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Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1864 (2009), by which the Council, following the request of the Government of Nepal and the recommendation of the Secretary-General, renewed the mandate of the United Nations Mission in Nepal (UNMIN) until 23 July 2009. UNMIN was established as a special political mission with a mandate which included the monitoring of the management of arms and armed personnel of the Communist Party of Nepal (Maoist) (CPN-M) and the Nepal Army. Following the merger of CPN-M with the Communist Party of Nepal-Unity Centre (Masal) on 13 January 2009, the party was renamed the Unified Communist Party of Nepal-Maoist (UCPN-M).

2. The report reviews the progress of the peace process and the implementation of the mandate of UNMIN since my report to the Council of 24 April 2009 (S/2009/221).

II. Progress of the peace process

3. The modest progress witnessed in some aspects of the peace process during the first quarter of 2009 has stalled against a backdrop of mistrust and a further deterioration of relations among key stakeholders, notably between UCPN-M and the other major parties and between UCPN-M and the Nepal Army. This crisis of confidence and absence of political consensus led to the resignation on 4 May of Prime Minister Pushpa Kamal Dahal "Prachanda" following the action taken by President Ram Baran Yadav to reverse the Cabinet decision of the previous day to dismiss the Chief of Army Staff, General Rookmangud Katawal. On 23 May, a senior leader of the Communist Party of Nepal-Unified Marxist-Leninist (UML), Madhav Kumar Nepal, was elected Prime Minister; he has since formed a new coalition Government with the support of 21 other political parties but without the participation of the Maoists. Meanwhile, the Constituent Assembly has continued its work of drafting a constitution, although it is in danger of falling seriously behind its schedule of promulgating a new constitution by May 2010. The proceedings of the same body functioning as the Legislature-Parliament have repeatedly been obstructed by the protests of political parties. The Special Committee set up to

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supervise, integrate and rehabilitate Maoist army personnel remained inactive, and its Technical Committee made only limited progress. Furthermore, no progress was made with regard to the discharge of disqualified Maoist army personnel.

4. On 3 May, after a prolonged disagreement over a number of critical issues, the UCPN-M-led Government dismissed the Chief of Army Staff, accusing him of insubordination, and appointed the second-in-command, Lieutenant General Kul Bahadur Khadka, Acting Army Chief. The decision followed a request on 20 April by Cabinet to General Katawal for clarification regarding three recent instances of alleged non-compliance by the Nepal Army with Government directives, including that concerning the recruitment of some 3,010 new personnel into the Nepal Army. General Katawal provided a clarification of the issues on the following day. The Cabinet meeting at which the decision to dismiss General Katawal was made was attended only by ministers from UCPN-M and Madheshi People's Rights Forum (MPRF), with the latter registering a note of dissent. Subsequently, UML withdrew from the governing coalition and, together with the Nepali Congress (NC) and 16 other political parties, requested President Ram Baran Yadav to intervene and reverse the dismissal of the Army Chief. The parties claimed that the dismissal had not been made by a consensus among the parties and thus violated the Comprehensive Peace Agreement and Interim Constitution. The President wrote to General Katawal the same day, directing him to continue in his position. Amid this tense stand-off among the Government, the President and the Nepal Army, Prime Minister Prachanda announced his resignation on 4 May. He stated that the Cabinet decision had been taken after the Nepal Army had repeatedly disobeyed Government policies and orders, that the action taken by President Yadav had been unconstitutional, and that steps should be taken to correct it and to ensure "civilian supremacy" over the Army. In addition, two public interest litigation petitions pending in the Supreme Court allege that the Government's dismissal of the Chief of Army Staff, as well as its rescinding by the President, were unconstitutional.

5. On 5 May, further controversy erupted when local television and radio stations began to broadcast a leaked videotape of a speech that Prachanda had made on 2 January 2008 to Maoist army commanders and personnel at the Maoist army cantonment site in Chitwan, during which he said that the party had inflated the number of its army personnel presented for registration and verification. He also said that some money allocated for the cantonments would be used to "prepare for a revolt". The statement drew immediate public condemnation and raised serious doubts about the Maoists' commitment to the peace process. It also prompted questions about the eligibility of the 19,602 combatants verified by UNMIN, and of the Mission's role in the verification process which had taken place between June and December 2007. In a press conference on 6 May, Prachanda said that his reference in the videotape had been to the central command of the Maoist army which comprised between 7,000 and 8,000 personnel. In addition, he said the Maoist forces had included a larger regional command, as well as 100,000 local militia. He said that his statement should be understood in the political context at the time, when the progress of the peace process had appeared uncertain. Despite this explanation, serious concerns remained about the content and tone of the statement among national and international stakeholders.

6. In a 19 May press statement providing factual information about the registration and verification exercise, UNMIN clarified that it had carried out the verification in accordance with the two criteria determined by the parties. It had

been asked to identify: (a) personnel who had joined the Maoist army after the date of the ceasefire (25 May 2006); and, (b) those who were below the age of 18 years on that date. The statement also indicated that, in addition to the regular briefings provided by the Chief Arms Monitor to the Joint Monitoring Coordination Committee which is chaired by UNMIN and comprises senior representatives of the Nepal Army and Maoist army, my Special Representative had briefed senior political leaders on the exercise on a regular basis.

7. On 23 May, Madhav Kumar Nepal was elected Prime Minister with the support of UML, NC, MPRF, the Tarai Madesh Democratic Party (TMDP) and the Sadbhawana Party (SP), along with 17 smaller parties represented in the Constituent Assembly. He won 354 votes in the 601-member Assembly. UCPN-M, which has 238 seats, boycotted the election. The formation of the new government required several weeks of intensive negotiation. By 1 July, 30 ministers from six of the coalition parties had been sworn in. MPRF split into two groups as a result of differences over whether to join the Government, and both factions have applied to the Election Commission for official recognition as MPRF.

8. The coalition partners have agreed on a common minimum programme, as well as a code of conduct for the Council of Ministers. The Common Minimum Programme commits the Government to implementing the Comprehensive Peace Agreement of November 2006, including the establishment of a national peace and rehabilitation commission which would monitor compliance and implementation. The Programme also states that the integration and rehabilitation of Maoist army personnel shall be concluded before completion of the constitution-writing process.

9. The new Government has reversed several decisions made by the UCPN-M-led Government, including its dismissal of the Chief of Army Staff and the appointment of his replacement. The Government has also extended by three years the service of eight Nepal Army brigadier generals whose terms the Ministry of Defence, under the UCPN-M-led Government, had refused to extend when they expired in mid-March. The generals had contested their non-extension in the Supreme Court which, on 24 March, issued a stay order pending its final verdict. The actions of the new Government have been criticized by UCPN-M and led to escalated protests by the party, further straining its relations with the UML-led Government. Several UML Constituent Assembly members also expressed concern that President Yadav's action would set a controversial precedent for presidential use of executive power.

10. The work of the Legislature-Parliament, the current session of which began on 29 March, has been severely hampered by successive obstructions of its proceedings by UML, NC and UCPN-M, which have separately held protests on the floor of the House or boycotted the proceedings. UCPN-M has obstructed parliamentary proceedings since 5 May, seeking a debate or other clarification of the President's action in regard to the Army Chief. The protest was suspended on 23 May for the election of Prime Minister Madhav Kumar Nepal, and again on 23 June when several political leaders made statements regarding the current political situation. On 6 July, following an agreement among UML, NC and UCPN-M on how to address the Maoists' demands, UCPN-M lifted its obstruction of the legislative process and for the first time in months the Legislature-Parliament conducted business in a normal fashion. The agreement also provides for continued discussions with a view to forging a consensus on the President's action within one month.

11. The obstruction of the Legislature-Parliament delayed action on a range of issues, including the mandatory debate on the budget for the remainder of 2009/2010, which had been scheduled to commence early in July, and discussion of the numerous bills due for consideration during the current session. The Ordinance on Maintaining Inclusiveness in the Public Sector, which provided for the inclusion of the traditionally marginalized groups in government services, including the police and army, lapsed when the deadline for parliamentary approval expired. The Ordinance had sparked controversy when the Tharus and several other traditionally marginalized groups in the Tarai objected to being grouped together with the Madheshis in the legislation. A bill addressing the inclusion of traditionally marginalized groups in the public sector has been registered in the Legislature-Parliament.

12. Since early June, UCPN-M and affiliated organizations have conducted a programme of countrywide protests against the reinstatement of the Army Chief, calling for civilian supremacy over the Nepal Army. The protests have disrupted daily life and have led to clashes between Maoist and other party cadres. On 21 June, the Maoists escalated the protests, blockading government buildings, and clashes between UCPN-M cadres and the security forces were reported in Kathmandu and several other locations.

13. On 29 June, following the first UCPN-M politburo meeting since the party went into opposition, Maoist Chairman Prachanda announced that the party would make preparations to lead a joint national government that he believed would be formed in the coming months. The party would also focus on the areas of peace, drafting of the constitution, national dignity and civilian supremacy.

14. All key political stakeholders recognize the need for the political parties to work together and manage differences in order to ensure the steady progress of the peace process. In addition to the need for a unity Government, of which UCPN-M would be part, other ideas, such as the conclusion of a new understanding among the parties and the establishment of a high-level political mechanism of the parties to guide the peace process and ensure its completion, have been floated. Concrete steps towards their realization have however yet to be taken.

A. Drafting of the Constitution

15. The Constituent Assembly made further progress on its central task of drafting the new constitution, albeit with delays due in part to the uncertain political situation. In a positive step, all of the political parties have pledged not to disrupt the work of drafting the constitution. The 10 thematic committees continued to prepare concept papers, taking into account information obtained through the public opinion survey that they conducted in February, as well as suggestions submitted to the Constituent Assembly secretariat. The deadline for submission of the concept papers has been pushed back from late May to early August. By 1 July, the Assembly had debated the concept papers of three of the thematic committees. Based on the recommendations to be made by the Assembly following the debates, the Constitutional Committee is to develop a first draft of the new constitution for discussion during a dedicated month-long plenary session, currently scheduled to start in mid-September. Following revisions to the draft by the Constitutional Committee, there will be a three-month period for public consultation.

16. Significant challenges remain in the drafting of the constitution, however. There are fundamental differences among the political parties on major issues, including the new federal structure, the system of government and the allocation of resources. The fluid political climate is also having an impact on the pace of work. The Constitutional Committee has not met since 27 May and the Chairmanship became vacant after former Chairperson, Madhav Kumar Nepal, was elected Prime Minister. Both NC and UCPN-M have expressed interest in the position but no decision has yet been taken. An extended leadership vacuum could further affect the Assembly's ability to meet the May 2010 deadline for the promulgation of the new constitution.

B. Integration and rehabilitation of Maoist army personnel

17. The Special Committee set up to supervise, integrate and rehabilitate Maoist army personnel, which held its first meeting on 16 January, has become dormant because of the political crisis of recent months. The Committee, which comprises two members each from MPRF, NC, UCPN-M and UML, had been chaired by Maoist Chairman Prachanda until his resignation as Prime Minister on 4 May. The absence of an agreement on who should now chair the Committee has contributed to the stagnation of the Committee's work.

18. The work of the Technical Committee of the Special Committee, which was established on 27 March, has also been affected by the political uncertainty. Under the terms of reference prepared by the Special Committee, it is tasked with developing guidelines for bringing the Maoist army under the supervision of the Special Committee. The members of the Technical Committee, who have visited three Maoist army cantonment sites, have briefed the new Minister for Peace and Reconstruction, Rakam Chemjong, and met with the Prime Minister who has directed it to proceed with its work and requested the early submission of a plan for integration. The Technical Committee has held several informal meetings to consult with stakeholders in the peace process and to review international experiences. It has also worked on formulating possible integration models, but these have yet to be translated into a plan with recommendations for consideration by the Special Committee.

C. Discharge of disqualified Maoist army personnel

19. Limited substantive progress was made during the reporting period on the discharge and rehabilitation of the 4,008 Maoist army personnel disqualified during the verification process. It is hoped that there will be forward movement following the lifting of the Maoist obstruction of the Legislature-Parliament and Maoist Chairman Prachanda's statement to that body on 6 July that the UCPN-M would immediately move ahead with the discharge. The Ministry of Peace and Reconstruction should review and build on the work carried out during the extensive planning meetings held in March and early April among the Ministry, UNMIN, the United Nations Resident and Humanitarian Coordinator, the United Nations Development Programme (UNDP) and the United Nations Children's Fund (UNICEF) to discuss support packages. These packages, developed by the United Nations agencies, could be made available at fairly short notice. With the support of UNICEF and UNDP, the Ministry produced a draft survey to assess the aspirations

of those to be discharged, which is envisaged as an important early step in the discharge process. The discharge of the disqualified is long overdue. The United Nations and its partners remain prepared to work closely and more intensively with the Government in implementing a suitable programme that would effectively meet the needs of the disqualified personnel.

20. It is encouraging that Prime Minister Nepal has said that his Government would give priority to the discharge of the disqualified Maoist army personnel. Minister for Peace and Reconstruction Chemjong has indicated that he intends to review the Ministry's draft plan for the process and will consider establishing a working group to refine and implement it. It is important that planning for the discharge continues at a brisk pace in the coming weeks.

D. Other challenges affecting the peace process

21. The Ministry of Peace and Reconstruction deployed secretaries to the local peace committees which are to support peace process implementation and conflict resolution at the local level, in all 75 districts. The Ministry has reported that, by 1 July, committees comprising representatives of political parties and civil society had been set up in 55 districts. Meanwhile, the tenure of the parliamentary committee established to monitor the November 2008 agreement between the Maoist-led Government and NC was extended on 19 April for three months. The committee, which among other issues is tasked with the return of seized property and dismantling of the "paramilitary" structure of the UCPN-M-affiliated Young Communist League, has made only limited progress, mainly on information-gathering.

22. Law and order remain a matter of serious concern, especially in the Tarai, where many armed groups are operating in a climate of general impunity. There were increased reports of tensions and violent clashes between the Young Communist League and UML-affiliated Youth Force cadres and the supporters of other parties in several districts, particularly during the UCPN-M protests.

23. A number of traditionally marginalized groups, several of which are Maoist-affiliated, also imposed general shutdowns across the country to press for their respective agendas. Militant organizations associated with several groups, including the Limbu, Tamang and Tharu, have been active and have reportedly increased their recruitment of young people.

24. There were several serious security incidents including the detonation of an improvised explosive device in a Catholic church in Kathmandu on 23 May, during which incident three people died and over one dozen were injured. A woman associated with a Hindu fundamentalist group was arrested by the police and has reportedly confessed to the crime.

III. Status of the United Nations Mission in Nepal

25. As at 1 June, 253 of the authorized 275 personnel were assigned to the Mission. Of 193 civilian personnel, 30 per cent are women, including 44 per cent of the 52 substantive staff and 24 per cent of the 141 administrative staff. As at 26 June, 3 of the 60 arms monitors serving with the Mission were women, an area in

which gender representation is dependent on the nomination of candidates by Member States. The efforts of UNMIN to recruit national staff from traditionally marginalized communities have yielded positive results: 48 per cent of national staff (60 out the 124) are from traditionally marginalized groups, and 31 per cent (19 of 60) are women.

IV. Activities of the United Nations Mission in Nepal

A. Arms monitoring

26. The Arms Monitoring Office continued to monitor the compliance of the Nepal Army and the Maoist army with the Agreement on the Monitoring of the Management of Arms and Armies. Arms monitors continue to maintain round-the-clock surveillance of the Nepal Army weapons storage site and the weapons storage areas at the seven main cantonment sites of the Maoist army. From the main sites, they visit the satellite cantonment sites. Other operations are conducted by mobile teams from the headquarters of the Arms Monitoring Office in Kathmandu. The Maoist army personnel remain cantoned at 28 locations, despite UNMIN advice that a more rational arrangement be made.

27. The Joint Monitoring Coordination Committee continued to meet under the chairmanship of the Chief Arms Monitor, and senior officers representing the Nepal Army and the Maoist army continued to cooperate closely as regards decision-making, the exchange of information, confidence-building measures and the resolution of disputes. On 28 May, the Committee, which was first convened in December 2006, held its 100th meeting. During the reporting period, the Committee considered two alleged violations of the Agreement on the Monitoring of the Management of Arms and Armies, one of which was substantiated as a violation while the other was not substantiated.

28. At the request of the Ministry of Peace and Reconstruction, arms monitors witnessed salary payments for May and June to eligible Maoist army personnel at the cantonment sites.

B. Child protection

29. The Child Protection Unit continued to support the work of the Mission in planning for the discharge and rehabilitation of the 2,973 Maoist army personnel who were disqualified as minors but who remain at the cantonment sites. The Unit provided substantive input to the task force on the discharge and rehabilitation of the disqualified Maoist army personnel, chaired by UNMIN. The Unit is also working closely with UNICEF in planning rehabilitation packages for the disqualified. It also carried out briefings and produced discussion papers on child protection issues related to the proposed discharge.

30. The ongoing political violence and the use of children by political parties during strikes and demonstrations, including as enforcers, are issues of concern. Special measures are necessary to ensure effective monitoring, reporting and protection of children's rights in relation to their participation in political activities.

31. In June, UNICEF, the UNMIN Child Protection Unit and a national human rights organization conducted a mission to eight districts in the eastern and central western Tarai and hills. The mission was undertaken to assess challenges to the implementation of the monitoring and reporting mechanism established in accordance with Security Council resolution 1612 (2005) and the trends in violations of the rights of children. UNMIN, UNICEF and the Office of the United Nations High Commissioner for Human Rights (OHCHR) are working together to develop a strategy and action plan to strengthen the operations of the task force, taking into account the recommendations of the field mission as well as suggestions from the Office of the Special Representative of the Secretary-General for Children and Armed Conflict.

C. Political affairs

32. The Political Affairs Office continued to monitor and analyse the political situation in the country, including by means of field visits to the regions, and to assist the Mission leadership in supporting the peace process. Political affairs officers met on a regular basis with stakeholders, including government officials, representatives of political parties and civil society organizations, as well as regional and international actors. The activities of small militant groups, both armed and unarmed, and their potential to disrupt the peace process were monitored, as were the dynamics among the political parties and the evolving role of traditionally marginalized groups in the peace process. The Office continued to assess the status of implementation of the Comprehensive Peace Agreement, as well as other relevant agreements, and monitored proceedings of the Constituent Assembly and the work of its committees in preparing the new constitution. The downsizing of UNMIN has had an impact on the Mission's analytical capacity, particularly its regional monitoring, after the five regional offices were closed.

D. Public information

33. The Public Information and Translation Unit supported my Representative in interactions with the media. My Representative gave interviews on peace process-related issues and the role of UNMIN to various international and national media during the reporting period. These included responses to criticism and media enquiries regarding the role of UNMIN in the registration and verification of Maoist army personnel following the airing of the controversial videotape of Maoist Chairman Prachanda, discussed above. The Unit has monitored national and international media, kept abreast of breaking news and also translated significant documents.

E. Safety and security

34. The security situation was affected by the frequent strikes and protests of various groups across the country. Programme delivery by the United Nations and partners was disrupted due to the protests, particularly in the Tarai. A national monitoring group reported in late June that there had been 500 shutdowns in the previous six months. During the reporting period, there were no direct threats made

to United Nations staff; however, continuing protests are likely to affect the movement of United Nations personnel and the implementation of assistance programmes in the coming weeks. The United Nations country team is developing a coordinated approach and guidelines aimed at ensuring freedom of movement for United Nations vehicles at all times.

35. The UNMIN Safety and Security Section maintained close coordination with the United Nations Department of Safety and Security during the reporting period.

V. Human rights

36. The frequency of human rights violations committed directly by State actors remained generally unchanged during the reporting period. Following the resignation of Prime Minister Prachanda, there was an increase in reported incidents of violence, threats and intimidation by Maoist cadres against individuals affiliated with other political parties and an increase in inter-party tensions at the local level. This has raised concerns about prospects for progress in the peace process and has had a direct impact on the enjoyment of human rights by the population. Owing to its presence in the regions, OHCHR has been able to monitor closely many of these cases and has intervened in some instances in order to assuage tensions between the political parties.

37. No progress has been made towards fulfilling the commitments made by the previous Government and the leaders of the political parties to end impunity in Nepal and ensure that the perpetrators of human rights violations and abuses, both past and present, are held to account. Similarly, no progress has been observed in the criminal investigations of allegations of human rights abuses by members of the Nepal Army and Maoist army. Despite some progress during the first half of 2009 in the area of transitional justice, the political developments and change of government have resulted in further delays in the establishment of transitional justice institutions. An ordinance criminalizing enforced disappearance and establishing the framework for a commission of inquiry on disappearances was not discussed by the Legislature-Parliament and the deadline for approval elapsed. Meanwhile, the consultations initiated by the Ministry of Peace and Reconstruction of the UCPN-M-led Government on a draft truth and reconciliation commission bill have been suspended.

38. Despite an increased police presence in the Tarai and the initiatives of the Maoist-led Government aimed at establishing dialogue with several armed groups, killings, abductions, intimidation and acts of extortion continued in central and eastern Tarai. The Government has directed Minister for Peace and Reconstruction Chemjong to continue efforts to facilitate talks with armed groups. Police officers who arrest politically connected individuals allegedly involved in serious criminal cases continue to be subjected to intense pressure from political parties to release their cadres without charge. This atmosphere of impunity has been reinforced by reports that the previous Government had taken steps to order a further mass withdrawal of serious criminal cases against political party cadres.

39. The National Human Rights Commission has continued to express frustration at the failure of the Government to implement its recommendations. In June, the Commission announced that less than 5 per cent of the recommendations made since the appointment of the new commissioners in 2007 had been implemented.

Furthermore, the Government had not responded to 38 per cent of its recommendations and most of the remainder were simply forwarded to the relevant authorities. OHCHR in Nepal is providing assistance to the Commission, in particular direct support and guidance for its investigatory and monitoring activities.

40. Human rights defenders in Nepal also continue to face significant challenges in carrying out their activities, particularly in the Tarai districts, where they are sometimes targeted by armed groups. The European Union Working Group on Human Rights Defenders in Nepal, a coordinating mechanism comprising national and international actors, became more active during the reporting period and is developing a comprehensive strategy for the protection of human rights defenders, in line with the global commitments of the European Union.

VI. Mission support

41. The mission support component has continued to support UNMIN activities effectively throughout the Mission area, with priority being given to the seven main Maoist army cantonment sites. The continued presence of arms monitors at the cantonments and their conduct of mobile patrolling require the wide deployment of UNMIN personnel. Consequently, communications and air transport resources continue to be required to provide the necessary logistical support, security and medical linkages between Kathmandu and the remote deployment locations of arms monitors. The Mission's single air asset, an Mi-8 helicopter, facilitates movements between Kathmandu and the cantonment sites and also other field missions.

42. Following the downsizing of the Mission during the first quarter of 2009, the mission support component has continued to reduce the Mission's material resources. The disposal of surplus assets is an ongoing activity; equipment is being sent to other United Nations peace operations or disposed of locally.

VII. United Nations country team coordination

43. Recent political developments, together with the situation in the districts, continue to make the conditions for providing development and humanitarian support challenging. Demonstrations and strikes by ethnic and political groups, increasingly enforced through violence and intimidation, have delayed service delivery. For example, the delivery of food assistance to more than 325,000 highly food insecure people, including flood victims and Bhutanese refugees, was delayed by 10 days in May. While many strike organizers stated that United Nations and other emergency service providers were free to operate during the strikes, United Nations agencies, funds and programmes and partners were often obstructed in carrying out their work. In addition, there have been increased reports of extortion demands and threats against staff of humanitarian agencies and their partners working in the Tarai and eastern region. On 3 June, the United Nations Resident and Humanitarian Coordinator issued a press statement condemning the use of violence and intimidation in protests or strikes, and highlighting the importance of protecting the rights of journalists, human rights defenders and humanitarian workers.

44. The 2008/2009 winter drought in Nepal was the worst on record. According to a recent assessment by the Government, the World Food Programme and the Food

and Agriculture Organization of the United Nations (FAO), the drought resulted in a shortfall in wheat and barley production of 14 and 17 per cent, respectively, which will affect 1.5 million people in the central and far western regions, with 707,000 individuals requiring immediate food assistance. Nearly 70 per cent of households affected by the drought were already experiencing food shortages owing to the 17 per cent increase in food prices over the past year. The United Nations and partners estimate that an additional $30 million is required to provide humanitarian support to the drought-affected populations.

45. Meanwhile, the global financial crisis continues to reduce demand for migrant labour, and the insecurity in Nepal has limited investment, job creation and exports. The meeting of the Nepal Development Forum, scheduled for mid-May, was cancelled owing to the political developments, thereby postponing an important opportunity to discuss these challenges and explore new ways forward. The United Nations country team nonetheless launched new initiatives in support of the peace process, including a paper entitled "Peace and development framework", which was designed to inform the discussion on peace and development at the Nepal Development Forum by analysing the connections between peace and development in Nepal; the paper sets forth recommendations for a joint approach by the Government and donors to advancing sustainable peace.

46. In line with the Government's priority to provide peace dividends in conflict-prone areas, the International Labour Organization (ILO) and FAO in June launched a large "jobs for peace" project, financed by a $2.6 million grant from the United Nations Peacebuilding Fund. Through this project, 12,500 conflict-affected young people in the Parsa and Rautahat districts will be provided with business training and access to microfinance, and assisted in building links with the private sector and markets with a view to obtaining work.

47. As part of its support for an inclusive constitution-building process, UNDP is working with 17 non-governmental organizations representing traditionally marginalized groups, assisting them in providing submissions to the various Constituent Assembly drafting committees. In addition, 1,300 democracy dialogues have been conducted throughout the country, involving 50,000 people from a range of communities.

48. In response to the increase in gender-based violence during and since the conflict, two joint programmes involving UNICEF, the United Nations Development Fund for Women and the United Nations Population Fund were begun during the reporting period. The first programme addresses gender-based violence at the district level by providing new services for women, men and children in four districts over the forthcoming three years using a $1.3 million grant provided by the United Nations Trust Fund in Support of Actions to Eliminate Violence against Women. The second programme, in which the World Health Organization is also involved, delivers essential reproductive health care, education and psychosocial counselling to women and girls affected by conflict. This is funded by a $1.1 million grant from the United Nations Trust Fund for Human Security.

49. The United Nations Mine Action Team in Nepal, comprised of the United Nations Mine Action Service and UNICEF, continues efforts to mitigate the threat of mines, improvised explosive devices and other explosive remnants of war. So far, 17 of 53 minefields have been cleared. The team is also negotiating the conduct of a quality control check on the claim by the Armed Police Force that it had destroyed

all of the 3,041 improvised explosive devices laid by it during the conflict. By 1 July, there had been 32 casualties (8 killed and 24 severely injured) from victim-activated explosions.

50. The demolition of 5,529 explosive items was successfully carried out at the Maoist cantonment site in Chitwan on 25 June, as was the demolition of 1,552 items in Ilam on 30 June. The clearance of the remaining explosive items in the other five Maoist cantonment sites is pending the provision by the United Nations Mine Action Team in Nepal of a list of items deemed unsafe.

VIII. Observations

51. In its resolution 1864 (2009), the Security Council called upon the Government to establish conditions conducive to the completion of UNMIN activities by the end of the current mandate, including through implementation of the 25 June Agreement, in order to facilitate the Mission's withdrawal from Nepal. Regrettably, the political crisis discussed at length in the present report has significantly slowed down the peace process, and the conditions for the completion of the Mission's work have not been achieved.

52. The two major tasks at the current stage of the peace process are the integration and rehabilitation of the Maoist army personnel and the drafting of the new constitution. Promising signs of progress were seen in the first quarter of 2009, suggesting that the parties had begun to move towards resolving the future of the Maoist army personnel. Progress on this front has, however, remained at a standstill since late April, illustrating the close link between this critical issue and the broader political dynamics. A planning process should be initiated to address in parallel the commitment contained in the Comprehensive Peace Agreement and the Interim Constitution to democratize and determine the appropriate size of the Nepal Army, while ensuring that the institution reflects the diversity of Nepal and is imbued with the values of democracy and human rights. All parties have emphasized the importance of a strictly professional and non-political profile for the Army.

53. The task of drafting the constitution has continued to move forward, albeit with numerous hurdles. There is near unanimity that it will be very difficult, if not impossible, to meet the prescribed time frame of May 2010 for the promulgation of a new constitution. Arriving at a consensus on the form of federalism to be adopted, which will both address the aspirations of traditionally marginalized groups and ensure the unity of the country, will no doubt be a major challenge. I strongly encourage steady progress in this area, based on consensus among the main political forces and the wider public.

54. The tensions and the sense of crisis that have dominated the political scene since early May are of a grave nature. They stem from a variety of factors: genuine differences in outlook; lack of confidence about each other's intent; failure to implement past agreements and commitments; and a decline in consensual politics and the rise in competition and rivalry among the parties. No peace process proceeds along a straight linear path, and the process in Nepal has its share of complexities and peculiarities; however, this should not be a cause for complacency. Frequent crises and tensions can have a long-term debilitating effect on the peace process. These impasses cannot be allowed to threaten to derail the process as a whole, lest Nepal forfeit the achievements of recent years. Without unity and

continuous consensus-building, the political parties will continue to face grave difficulties in moving the peace process forward. It is therefore imperative for the parties to agree on a common vision and road map, at least until the completion of the constitution-making process and the firm establishment of the country's core institutions. They should also take urgent steps to re-establish the unity and consensual tradition that characterized their successes at earlier stages of the peace process. The proposed establishment of a high-level political consultative mechanism is a timely idea, providing for a forum for the discussion of critical peace process issues, monitoring of progress and addressing of political differences and crises.

55. A challenge to agreements reached within any high-level mechanism will be their effective implementation and monitoring. In this regard, the Government and parties should be encouraged to set benchmarks for their own use. Such action could be bolstered by independent monitoring, periodic review and attention to deadlines. The United Nations stands ready to support such efforts, if requested.

56. The principal political leaders have stated that a government of national unity is now needed. This reflects a recognition, in the light of the current crisis, that only unity among the parties can guarantee the success of the peace process. I strongly encourage political leaders to take every step to achieve greater unity and closer cooperation. The issues that precipitated the political crisis and resignation of former Prime Minister Prachanda, such as the powers of the President under the Interim Constitution, the governance and civil oversight arrangements of the Army, as well as issues such as the return of property seized during the conflict and the use of violence and intimidation by political party youth groups, remain unresolved and may indeed risk generating fresh disputes. The political (as opposed to criminal) motives behind the continuing violence in the Tarai also require political solutions. These issues need to be addressed urgently so that the protests can end, the peace process can maintain steady progress and the Government can go about the business of governing.

57. It is vital and urgent that all actors exercise restraint, publicly renounce provocation and threats, and acknowledge that the only way forward lies through consensus and adherence to the peace agreements. Furthermore, the Government needs to address urgently the prevailing climate of impunity. In this context, I remain convinced that OHCHR in Nepal can continue to play an essential and helpful role, not only in promoting and protecting human rights but by building the capacity of independent national institutions, as well as reinforcing the confidence of all stakeholders in the peace process.

58. It should be recalled that the arrangements for the cantonment of Maoist army personnel, the confinement to barracks of the Nepal Army, and the monitoring of arms and armies were conceived as temporary measures intended to create appropriate conditions for the Constituent Assembly election and not as long-term solutions. The basis for the light United Nations arms monitoring presence requested by the parties is a high degree of mutual confidence, which has repeatedly come under strain. Under the peace agreements, those disqualified (most of whom are those under 18 years of age in May 2006) through the verification of the Maoist army were to be discharged without delay, and those qualified were to be integrated or rehabilitated. The United Nations has consistently urged a rapid resolution of the

future of the Maoist army personnel and an end to the prolonged maintenance of the cantonments and the present monitoring arrangement by UNMIN.

59. The United Nations stands ready to continue to facilitate and assist in the important work of the Special Committee and its supporting Technical Committee, on request, as integration and rehabilitation plans are developed. The United Nations will also remain closely engaged with the Ministry of Peace and Reconstruction in this regard. An organized, dignified and effective process of discharge and rehabilitation of Maoist army personnel disqualified by the verification process is long overdue and should also move forward.

60. Political leaders in Nepal have expressed the view that the presence of UNMIN is needed until the integration and rehabilitation of the Maoist army personnel is resolved. On 7 July, the Permanent Representative of Nepal to the United Nations wrote to me expressing appreciation for the work of UNMIN and requesting, on behalf of his Government, an extension of the current mandate and the related work of UNMIN by a further six months, from 23 July 2009. UNMIN has an important role to play while some key commitments of the Comprehensive Peace Agreement remain unfulfilled. I therefore recommend that the Security Council extend the mandate for a further six months until 23 January 2010. However, the growing complexity of the political situation reveals a discrepancy between the needs of the peace process, the limited mandate of UNMIN and the support that can be sought to reinforce the implementation of peace process commitments. I encourage the Government to take full advantage of the UNMIN presence, and the Security Council to support this, in order to help ensure the timely completion of the peace process and the mandate of UNMIN.

61. I would like to convey my appreciation to the members of the Security Council and other Member States for their continued support to Nepal. I would also like to thank my Representative and her staff, as well as partner organizations in Nepal, for their dedicated efforts.

United Nations S/2009/352

Security Council

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Report of the Secretary-General on the deployment of the African Union-United Nations Hybrid Operation in Darfur

I. Introduction

1. The present report is submitted pursuant to paragraph 17 of Security Council resolution 1828 (2008), by which the Council requested me to report every 60 days on the deployment and operations of the African Union-United Nations Hybrid Operation in Darfur (UNAMID), the political process, the security and humanitarian situation in Darfur and compliance of the parties with their international obligations.

2. The report covers the month of June 2009, rather than the typical 60-day period, in order to ensure that the Council is provided with the most current information available in anticipation of its discussions on the renewal of the mandate of UNAMID which expires on 31 July 2009. In addition to the normal update on key developments, I have included a number of observations regarding the last 12 months of operations of UNAMID and some recommendations for the way forward in Darfur, for the Council's consideration.

II. Political developments

3. The delegations of the Government of the Sudan and the Justice and Equality Movement met in Doha from 27 May to 18 June 2009 to discuss the implementation of the Agreement of Goodwill and Confidence-Building for the Settlement of the Problem in Darfur signed on 17 February 2009 under the auspices of the Joint African Union-United Nations Mediation and the Government of Qatar. The parties discussed ways to move the peace process forward, particularly with respect to exchange of prisoners, cessation of hostilities and a framework agreement that would define the areas to be discussed during comprehensive negotiations.

4. However, the Justice and Equality Movement insisted that the Government release all Movement prisoners before initiating discussion on a framework agreement and cessation of hostilities, while the Government insisted upon agreeing to cessation of hostilities before any prisoner exchange. In the meantime, on 9 June 2009, a criminal court in Khartoum sentenced an additional 12 members of the Justice and Equality Movement to death for their involvement in the attacks on Omdurman in May 2008, bringing the total number of death sentences for members of the Justice and Equality Movement to 103.

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5. With no significant change in position by either party in Doha, and following considerable efforts on the part of the Mediation to find a middle ground, the talks were suspended on 18 June 2009 to allow the parties to undertake further internal consultations. The Mediation continues to work with both parties, particularly on a prisoner release timetable and elements for a framework agreement, in anticipation of reconvening in Doha in late July 2009 to press for an agreement on both of these key issues.

6. On 27 May 2009, during the most recent round of talks in Doha, the Joint Chief Mediator, Djibrill Bassolé, and his team met with the Special Envoys for the Sudan representing the Permanent Members of the Security Council and the European Union. The Envoys expressed support for the efforts of the Joint African Union-United Nations Mediation and the Doha process. The Joint Chief Mediator requested their continued active engagement in addressing the regional aspects of the conflict, in particular the relations between Chad and the Sudan, and also in ensuring that the Darfur and the Comprehensive Peace Agreement processes were taken forward in an integrated manner.

7. While talks between the Government and the Justice and Equality Movement have been suspended, the Joint Chief Mediator and his team are pressing forward with a multitrack strategy to maintain the momentum of Mediation efforts while also ensuring that the political process is inclusive. To this end, the Mediation will be encouraging the unification of all the rebel movements with a view to bringing them to Doha for negotiations. On 29 June 2009, the Mediation met the leaders of a number of Darfurian armed movements in Tripoli to discuss the Doha negotiations and work towards their effective and coherent participation in the resolution of the Darfur crisis. During these meetings, the movements declared themselves ready to engage in constructive dialogue with the Government of the Sudan in Doha. The Joint Chief Mediator will propose a date in the coming months for consultations between these movements and the Government of the Sudan, in cooperation with the Libyan and Qatari authorities. In a complementary action, the Mediation will work with the Government of Qatar to organize a consultative forum in Darfur with key opinion leaders and representatives of civil society in order to engender a sense of ownership of the peace process among these groups. In addition, the Mediation will strongly encourage the Government of National Unity to take concrete actions to improve the situation on the ground in Darfur (particularly with regard to security) based on previous agreements, including the Sudan People's Initiative.

8. In another important development, the African Union High-Level Panel on Darfur, led by former South African President Thabo Mbeki, visited Darfur for the third time, from 15 to 26 June 2009. The Panel, which has been mandated by the African Union Peace and Security Council to submit proposals to address issues of accountability for serious crimes, for expediting the peace process in Darfur and for reconciling warring parties in the region, met with representatives of Darfur civil society, tribal leaders, internally displaced persons and members of rebel groups. While in Khartoum, the Panel met with President al-Bashir and other senior Government officials, as well as members of the Justice and Equality Movement detained in Khartoum prisons. The Panel had planned to release its report in July 2009 but has postponed its submission to the African Union Commission until August 2009 to allow for further consultations.

III. Security situation

9. In my report of 9 June 2009 to the Security Council (S/2009/297), I alerted the Council to increased fighting along the Chad-Sudan border in May 2009, as well as an incursion into Western Darfur by Chadian national forces. During June 2009, there was a decline in the reported levels of violence in Western Darfur, although the armed parties along the Chad-Sudan border remained on high alert.

10. On 25 June 2009, a vehicle carrying five Chadian national forces soldiers approached the UNAMID team site in Kulbus (Western Darfur) to request water. On 26 June 2009, two vehicles carrying 23 armed Chadian national forces again approached the UNAMID team site in Kulbus with a request for water. After being refused on both occasions and reminded of the territorial integrity of the Sudan, the Chadian soldiers returned to the Chadian side of the border, several kilometres from the UNAMID team site in Kulbus.

11. Following attacks by the Justice and Equality Movement on positions near Umm Baru (Northern Darfur) in mid-May 2009, there have been no significant military operations, although Sudanese Armed Forces have maintained an increased presence and military patrolling activities in the areas of Umm Baru, Kornoi and Tine, Northern Darfur.

12. On 29 June 2009, a group of 20-25 unknown armed men attacked a UNAMID formed police unit convoy in El Geneina, firing several shots at the convoy and injuring the commander of the UNAMID formed police unit. He was transported to the Nigerian Level II hospital in El Geneina and is reportedly in stable condition.

13. There were nine incidents of carjacking reported in Darfur during the period under review, including four international non-governmental organization vehicles and five United Nations vehicles. In a positive trend, most of the vehicles stolen in the last 90 days have been recovered, often by the Sudanese police force.

IV. Humanitarian situation

14. Humanitarian assistance during the reporting period continued to focus on the ongoing efforts to address the consequences of the 4 March 2009 expulsion of 13 international non-governmental organizations and the dissolution of three national non-governmental organizations operating in Northern Sudan. The loss of the non-governmental organizations initially affected some 1.1 million beneficiaries receiving food assistance, 1.5 million accessing health services, 1.16 million receiving water and sanitation support, and 670,000 receiving non-food items. Joint efforts by the Government of the Sudan, the United Nations and the remaining non-governmental organizations have helped to narrow the gaps in the four life-saving sectors, but concerns remain about the quality and standard of aid delivery.

15. As at 30 June 2009, the number of national and international aid workers in the region had dropped from a pre-expulsion level of 17,700 to 12,658. With the rainy season approaching, serious concerns remain regarding the impact this reduction in personnel will have on the ability of the humanitarian community to reach and assist all those most in need, particularly in remote locations.

16. During the period under review, the World Health Organization (WHO) observed an increase in severe diarrhoea cases in a number of internally displaced

persons camps in Southern Darfur. In addition, WHO stated that the risk of a cholera outbreak in Darfur this year was higher in Gereida, Kalma, Al Salam, Otash and Kass camps. WHO indicated that one of the primary reasons for the increases in water and sanitation-related diseases in the camps was the sanitation and hygiene gap caused by the expulsions of humanitarian non-governmental organizations by the Government of the Sudan.

17. Humanitarian interventions in Kalma camp also remained a major challenge during the reporting period. In a positive development, on 16 June 2009, the leadership in the camp agreed to allow WHO to begin preparations for a vaccination campaign (including polio) within the camp. At the same time, only one of three international non-governmental organizations that are ready to provide water and sanitation services in Kalma has received clearance from the Government of the Sudan to do so. Finally, negotiations continue with the camp leadership regarding the continuation of a much needed programme to address malnutrition in the camp. This is particularly important as the supplementary feeding programme previously carried out has been suspended since the 4 March 2009 expulsion of the humanitarian agency responsible for its implementation.

18. From 11 to 13 June 2009, presidential adviser Ghazi Salah Al-Deen, State Minister for Humanitarian Affairs Abdul Bagi Al-Jailani, and Commissioner of the Sudanese Humanitarian Aid Commission Hassabo Mohammed Abdel Rahman visited the three Darfur states to obtain a first-hand overview of the current humanitarian situation and to encourage state-level compliance with agreements made at the federal level regarding the delivery of aid. On 15 June 2009, the high-level committee on the humanitarian situation in Darfur, comprised of senior Sudanese Government officials, representatives of the diplomatic community, regional organizations and non-governmental organizations, visited El Fasher in order to receive an update on the humanitarian situation in Northern Darfur. On 17 June 2009, the Committee met again in Khartoum, where it adopted new terms of reference for its work which expanded the scope of the Committee's activities beyond its original focus on monitoring critical life-saving sectors to include priority areas such as protection, education and recovery.

V. UNAMID operations

19. During the reporting period, from 1 to 30 June 2009, UNAMID military conducted 635 confidence-building patrols, 1,356 escort patrols, 285 night patrols and 16 investigation patrols covering 1,364 villages. UNAMID police carried out a total of 2,795 patrols inside camps for internally displaced persons including firewood escorts, and 1,139 outside the camps, including town and village patrols. The security level for UNAMID remains at Phase IV.

20. On 21 June 2009, a UNAMID escort patrol was refused passage through a Government checkpoint 5 kilometres north-east of El Fasher on the grounds that the mission had failed to notify the Government authorities prior to patrolling. However, UNAMID had notified the authorities in advance of the patrol.

21. During the reporting period, UNAMID police assisted in the construction of a community policing centre in Tawila (Northern Darfur), which brings the total number of completed centres to four (including centres at Abu Shouk, Zam Zam and Kalma) out of an authorized 83 centres.

22. As at 30 June 2009, a total of 201 quick-impact projects had been approved by the mission and were in various stages of implementation. Fifty-six per cent of the projects concern the education sector, while health and sanitation represented approximately 12 and 10 per cent, respectively. Thirty-nine projects (or 19 per cent of the total funded projects) have been completed, 36 of which are in Northern Darfur.

23. On 16 June 2009, the National Intelligence and Security Service released the $77,000 of quick-impact project funds it had confiscated in May 2009 in Zalingei, Western Darfur.

24. UNAMID carried out 28 human rights monitoring missions during the reporting period, during which it documented 13 cases of arbitrary and illegal arrest and detention by Government security forces. Two of the detainees have since been released, while 11 remain in detention without charges. Four of the detainees reported being subjected to cruel, inhuman or degrading treatment or torture while in detention. In a positive development, on 10 June 2009, the Government of the Sudan instructed all prisons in Northern Darfur to permit UNAMID correction officers access to the prisons.

25. On 1 June 2009, UNAMID visited detention facilities controlled by the Sudan Liberation Army/Minni Minawi in Zam Zam internally displaced persons camp, Northern Darfur, where seven detainees were being held on civil charges. UNAMID strongly urged the officers at the facility to refer the cases to a competent court in El Fasher.

26. UNAMID continued to receive reports of rape and physical assault against women and girls. The mission documented nine incidents of sexual and gender-based violence involving 20 victims, eight of whom were below the age of 18, and 18 of whom were internally displaced persons. However, the numbers of reported sexual and gender-based cases have dropped in Zalingei (Western Darfur), where internally displaced persons have initiated self-protection methods, including group movement with men and youth, and where UNAMID police have intensified escorts for firewood collection.

27. On 9 June 2009, the UNAMID voluntary returns working group, led by the UNAMID Deputy Joint Special Representative, travelled to Donki Dreisa and Muhagiriya (Southern Darfur) where some 1,500 residents were reported to have returned to their homes. On 17 June, the team visited Seraf Jidad, Western Darfur, where the inhabitants of approximately 2,100 households have reportedly returned to their homes. In both locations the team met traditional leaders and returnees and discussed how to facilitate a secure environment for the return of internally displaced persons. All UNAMID activities related to returns are undertaken in accordance with its mandate and in full coordination with the humanitarian community.

28. During the reporting period, several unexploded ordnance were recovered in the area of Umm Baru, Western Darfur, following the May 2009 fighting between the Justice and Equality Movement and Sudan Liberation Army/Minni Minawi and the Government of the Sudan. On 18 June, a 12-year-old boy was killed by unexploded ordnance 70 kilometres from El Geneina, Western Darfur. After more than three months of suspension of mine action activities, the Government of the Sudan partially lifted its restrictions in June 2009 to allow mine clearance only in

UNAMID sites. Wider operations, such as mine risk awareness and clearance in other areas in Darfur, remain suspended.

VI. UNAMID deployment

29. As at 30 June 2009, the total strength of UNAMID military personnel was 13,430 out of a total authorized strength of 19,555, including 12,806 troops, 365 staff officers, 178 military observers and 84 liaison officers. The current deployment represents 68 per cent of the authorized strength.

30. The movement of contingent-owned equipment continues to be relatively unobstructed, although several important issues remain unresolved. Sixty-two Nigerian armoured personnel carriers, which arrived in Port Sudan on 1 May 2009, and 122 Rwandan vehicles, which arrived on 6 March 2009, are still awaiting customs clearances from the Government.

31. In addition, delays by the Government of the Sudan in granting both customs clearances and permission for United Nations-contracted vessels to disembark in Port Sudan have slowed the movement of critical equipment into Darfur and resulted in more than $1 million in demurrage charges to the United Nations.

32. In my report of 9 June 2009 to the Security Council (S/2009/297) I drew the Council's attention to the ongoing process of withdrawing 103 Canadian armoured personnel carriers from the mission area. The orderly withdrawal of these vehicles has been closely coordinated with Canada and, as of 30 June 2009, all 103 vehicles had been withdrawn from UNAMID operations. As is standard practice for peacekeeping operations, troop-contributing countries are responsible for providing the equipment for the units they deploy, including armoured personnel carriers. In this context the replacement of the Canadian armoured personnel carriers with those provided by incoming troop-contributing countries is well under way. Canada's engagement throughout this replacement process and generous extension of the use of the vehicles for six months beyond the original deadline is greatly appreciated and contributed significantly to the maintenance of the mission's core operations during its critical start-up phase.

33. On 18 June 2009, the second Ethiopian infantry battalion began its deployment via road and rail from Addis Ababa to Nyala and is expected to arrive by the second week of July 2009, in order to coincide with the arrival of the battalion's contingent-owned equipment. This battalion is expected to deploy to Graida, Southern Darfur, and Sileah, Western Darfur. Efforts are also well under way to facilitate the deployment of the Ethiopian tactical helicopters, including ongoing discussions regarding the memorandum of understanding and letter of assist arrangements.

34. The continued lack of key military enabling units, including two medium transport units, an aerial reconnaissance unit, 18 medium utility helicopters and a Level II hospital, continues to be a source of serious concern.

35. As at 30 June 2009, the strength of UNAMID police personnel was 2,983 (1,868 police advisers and eight formed police units totalling 1,115 personnel), representing 41 per cent of the approved strength. The main body of the fourth Bangladeshi formed police unit was deployed on 12 June 2009.

36. As at 30 June 2009, the number of civilian personnel stood at 3,608 (1,023 international, 2,250 national and 335 United Nations Volunteers), representing 65 per cent of the approved strength of 5,557. Since the start of the mission, a total of 117 international staff members have departed UNAMID and 159 selected international candidates have declined offers of appointment, which constitutes 27 per cent of the currently recruited international staff. This trend reflects the serious challenges of harsh living conditions and health risks associated with living in Darfur.

37. While 961 visas were issued to UNAMID staff by the Government of the Sudan during the period under review, continued delays in the processing of visa requests by the Government have resulted in 326 visa applications pending as at 30 June 2009.

VII. Financial arrangements

38. The General Assembly, by its resolution 63/258 B, appropriated the amount of $1,598.9 million for the maintenance of the mission for the period from 1 July 2009 to 30 June 2010. Should the Security Council decide to extend the mandate of the mission beyond 31 July 2009, the cost of maintaining the mission would be limited to the amount approved by the General Assembly for the 2009/10 period.

39. As at 30 April 2009, unpaid assessed contributions to the special account for the mission amounted to $200 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to $1,754.5 million.

40. Reimbursement to troop- and police-contributing Governments for the cost of troop and formed police units and for contingent-owned equipment have been made for the periods up to 31 May 2009 and 13 March 2009, respectively.

VIII. Observations

41. In the 18 months since the transfer of authority from the African Union Mission in Sudan to UNAMID on 31 December 2007, UNAMID has faced a number of serious challenges in its efforts to implement its mandate. While large-scale conflict has decreased over time, the security situation in Darfur has been volatile since the transfer of authority, posing an ongoing threat to civilians and placing enormous stress on the mission.

42. The security environment and the logistic and climatic difficulties intrinsic to operating in Darfur have placed particularly heavy demands on the mission's military and police units. In order to function in such a setting, troop- and police-contributing countries have been required to deploy units with extraordinary capabilities for self-sustainment. Preparing these units to deploy has been time-consuming and onerous. Ensuring that they stay capable in the field and replacing them on rotation will be an ongoing challenge for troop-contributing countries, their partners in the donor community and the United Nations Secretariat.

43. In this connection, the mission has dedicated considerable energies to developing modalities for collaboration with the Government of the Sudan. Some areas require additional effort. The speed with which visas are issued for UNAMID

personnel is a particularly serious concern. It is also important to acknowledge that there continue to be instances where Khartoum-based decisions to support UNAMID work are not implemented locally. This relates especially to freedom of movement for UNAMID personnel and customs clearances to allow equipment into the Sudan. On the whole, however, there has been considerable improvement in the quality of the Government's cooperation with the mission and the tripartite mechanism has become an extremely effective tool for ensuring that operational impediments faced by the mission are identified and addressed.

44. The tremendous challenges associated with bringing capable units into Darfur and developing an effective and transparent working relationship with the Government have absorbed a considerable amount of the mission's energies over the course of its first 18 months.

45. This is beginning to change. The number of units on the ground has been steadily increasing and will continue to do so. It is our expectation that all pledged units will be in place and fully operational by 31 December 2009, constituting 92 per cent of the mission's total authorized strength. In the meantime, mechanisms for cooperation with the Government are functioning more effectively over time. Both developments will put UNAMID in a position to dedicate more time to the implementation of its mandate and less time to deployment-related issues.

46. As the mission does so, its priority will continue to be the protection of civilians and facilitation of humanitarian assistance. Protection, in particular, has always been a fundamental task of the mission. It is important to note, however, that the environment in which UNAMID works has changed in significant ways from the time when it was established. Large-scale violence stretching over a wide territory and for lengthy periods is now infrequent. Many internally displaced persons camps, some now five years old, are now entrenched, while at the same time, small-scale but consistent spontaneous returns are occurring in some locations. These developments require that UNAMID and the international community recognize, adapt and respond to evolving security realities in Darfur.

47. Nevertheless, the situation for the civilians of Darfur continues to be deeply troubling, with 2.6 million internally displaced persons unable to return to their homes and some 4.7 million Darfurians in need of assistance. Meanwhile, banditry and sexual violence continue to plague civilians throughout Darfur.

48. While UNAMID will continue to work towards full implementation of its mandate in the face of the ongoing crisis in Darfur, a definitive end to the conflict can only be achieved through a comprehensive political solution which complements the broader national context and is supported fully by the international community and the Security Council. In this regard, the Joint African Union-United Nations Mediation is focused on an inclusive approach that meaningfully incorporates all stakeholders into the political process. This approach recognizes that, while the Government of the Sudan bears the key responsibilities for achieving a sustainable resolution to the crisis, all stakeholders, including rebel groups, traditional Darfurian leaders and civil society leadership, must have a voice and invest fully in the peace process.

49. As the Mediation advances this initiative, it will receive support from UNAMID in key areas. The mission, and particularly its civil affairs and Darfur-Darfur Dialogue and Consultation components, will be able to provide invaluable

assistance to the Mediation in its engagement with civil society. Similarly, and in due course, the mission will provide technical advice to the Mediation regarding provisions required to monitor a future cessation of hostilities.

50. Resolution of the conflict will also have to address the regional dynamics influencing the Darfur crisis. In this regard, I remain deeply concerned by continued instability on the Chad-Sudan border and the inflammatory rhetoric of both Governments when their relations are discussed. I again call on both Governments to exercise restraint, to cease support for one another's rebel groups and to normalize their bilateral relations.

51. With respect to the ongoing Darfur-related cases before the International Criminal Court, I reiterate that the United Nations respects the independence of the Court and the judicial process and I strongly underscore the determination of the United Nations to continue to conduct its vital mediation, peacekeeping, humanitarian, human rights and development operations in the Sudan. I furthermore urge the Government of the Sudan to address the issues of peace and justice in a manner consistent with Security Council resolution 1593 (2005).

52. UNAMID represents a unique strategic partnership between the African Union and the United Nations in which both organizations will continue to work closely together to address the many challenges facing the Sudanese in Darfur. In this context, I welcome the African Union initiative to establish the High-level Panel on Darfur and look forward to the report of President Mbeki and his distinguished colleagues, which is expected to contain specific suggested measures to facilitate African Union-United Nations mediation efforts.

53. Taking into account the many complex challenges facing Darfur, I recommend that the Security Council consider extending the mandate of UNAMID for a further period of 12 months, until 31 July 2010.

54. In conclusion, I would like to express my appreciation to all UNAMID personnel and their colleagues from the humanitarian community, who are working in Darfur under extremely difficult conditions. I also would like to thank Member States, including donor and troop-contributing countries, for their continued support of the deployment and operations of UNAMID, and for their efforts to encourage the parties to stop the cycle of violence and instead work towards a peaceful solution to the crisis in Darfur.

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Letter dated 13 July 2009 from the Permanent Representative of Mexico to the United Nations addressed to the President of the Security Council

I have the honour to transmit herewith the report on the work of the Security Council during the presidency of Mexico, in April 2009 (see annex).

The document was prepared under the responsibility of my delegation, following consultations with other members of the Security Council. I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Claude **Heller**
Permanent Representative of Mexico to the United Nations

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Annex to the letter dated 13 July 2009 from the Permanent Representative of Mexico to the United Nations addressed to the President of the Security Council

Assessment of the work of the Security Council during the presidency of Mexico (April 2009)

Introduction

During the presidency of the Permanent Representative of Mexico to the United Nations, Ambassador Claude Heller, the Security Council undertook an extensive programme of work. Throughout the month, Mexico contributed to the reaching of consensus and the taking of concerted action by the Council in making important decisions.

In the month of April 2009, 22 agenda items were considered by the Council, concerning Africa, Asia, Europe, Latin America and the Middle East.

A total of 35 meetings were held, of which 15 were informal consultations, 17 were formal meetings and two took the innovative form of "informal interactive dialogues". A further meeting was an Arria-formula meeting concerning children and armed conflict, attended by participants from civil society and non-governmental organizations with an interest in that issue.

Three open debates were held, on the situation in Haiti, on the maintenance of international peace and security: mediation and settlement of disputes, and on children and armed conflict, the last of which was presided over by the Minister for Foreign Affairs of Mexico, Patricia Espinosa Cantellano.

The Security Council adopted 17 decisions, comprising two resolutions on the extension of the mandates of peacekeeping operations, seven presidential statements, three statements to the press and five media appearances by the President of the Council, in which he delivered messages approved by the Council members.

I. Africa

Côte d'Ivoire

On 28 April, in a public meeting, the Council heard a report from the Special Representative of the Secretary-General for Côte d'Ivoire and Head of the United Nations Operation in Côte d'Ivoire (UNOCI), Choi Young-jin. The Special Representative presented the twentieth progress report of the Secretary-General on the United Nations Operation in Côte d'Ivoire (S/2009/196). He stressed that UNOCI was focusing on advancing the electoral process and that, while progress towards the holding of the elections was slow, the main actors would count on great political will to that end.

Following the meeting, the Council held informal consultations at which a brief report on the work of the Security Council Committee established pursuant to resolution 1572 (2004) was presented by Mexico in its capacity as Chairman of that Committee, followed by an exchange of views among the Council members.

Djibouti and Eritrea

During consultations on 7 April, the Under-Secretary-General for Political Affairs, B. Lynn Pascoe, stated that Eritrea had refused to recognize the border dispute and had categorically rejected Security Council resolution 1862 (2009). He added that the Secretary-General would maintain contact with the parties with a view to finding a way of moving the issue forward.

Council members expressed disapproval of the failure of Eritrea to comply with resolution 1862 (2009) and concern over that country's unwillingness to establish dialogue or accept the good offices of the Secretary-General. They encouraged the United Nations Secretariat to continue its efforts towards rapprochement and mediation and requested the Under-Secretary-General to keep the Council informed of developments in the situation.

On 16 April, during informal consultations, the Permanent Representative of Mexico, Claude Heller, reported back to the Council members on the meeting he had held as President of the Security Council with the Permanent Representative of Eritrea following the agreement reached on 7 April. He also informed the Council about a meeting with the Permanent Representative of Djibouti. The Council members stressed that they would review this issue in a few weeks, based on an updated briefing on the efforts of the Secretariat to engage Eritrea.

Guinea-Bissau

On 8 April, at a public meeting, the Council heard a report from the Representative of the Secretary-General and Head of the United Nations Peacebuilding Support Office in Guinea-Bissau (UNOGBIS), Joseph Mutaboba. The Representative presented the report of the Secretary-General on developments in Guinea-Bissau and on the activities of UNOGBIS (S/2009/169). He stated that the Government authorities had established a commission of inquiry to look into the assassination of the President of the Republic and the Chief of the General Staff, and said that it was essential to comply with the terms of the Constitution in order to advance the democratic process. Following the meeting, the Council held informal consultations in which members exchanged views.

On 9 April, the President read out a statement on behalf of the Council (S/PRST/2009/6), in which the Council noted the stipulation made by the Economic Community of West African States (ECOWAS) with respect to the need to deploy military and police contingents to ensure the protection of the republican institutions, the authorities and the electoral process, and invited ECOWAS to work in coordination with the Government of Guinea-Bissau.

Democratic Republic of the Congo

On 9 April, at a public meeting, the Council heard a report from the Special Representative of the Secretary-General to the Democratic Republic of the Congo, Alan Doss. The Special Representative presented the twenty-seventh report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) (S/2009/160), stressing that there had been a significant improvement in the situation, especially following the signature of an agreement between the Government and the Congrès national pour la défense du peuple (CNDP). He stated that MONUC needed more troops and equipment in order

to carry out its mandate pursuant to Security Council resolution 1856 (2008), and reported on the progress made in operations against the Forces démocratiques de libération du Rwanda (FDLR), which had carried out attacks against the civilian population, as had the Lord's Resistance Army.

Following the meeting, the Council held informal consultations in which the members exchanged views. At the end of the meeting, they approved a statement to the press. In the statement, the Council welcomed the agreement reached between the Government of the Democratic Republic of the Congo and the CNDP; gave its support to operations jointly planned and conducted by the Forces armées de la République démocratique du Congo and MONUC against FDLR; expressed its concern over continued violations of human rights in the country; and stressed the importance of reforming the security sector.

Madagascar

During informal consultations on 7 April, the Council heard a report on the situation in Madagascar presented by the Under-Secretary-General for Political Affairs. The Council members supported the efforts of the Secretary-General and the African Union to resolve the crisis and appealed for constitutional order to be restored at the earliest possible time.

Western Sahara

On 22 April, the Council held a closed meeting with troop-contributing countries to the United Nations Mission for the Referendum in Western Sahara (MINURSO). During the meeting, the Director of the Asia and Middle East Division of the Department of Peacekeeping Operations, Wolfgang Weisbrod-Weber, provided the Council and troop-contributing countries with information.

On the same day, in informal consultations, the Council heard a briefing by the Assistant Secretary-General for Peacekeeping Operations, Edmond Mulet, and the Personal Envoy of the Secretary-General for Western Sahara, Ambassador Christopher Ross, based on the Report of the Secretary-General on the situation concerning Western Sahara (S/2009/200 and Corr.1).

On 30 April, the Council unanimously adopted resolution 1871 (2009), extending the mandate of MINURSO for one year. The resolution includes new elements relative to the human dimension of the conflict.

Somalia

On 9 April, the Chairman of the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia, Ambassador Claude Heller, briefed the Council on the Committee's work in accordance with Security Council resolution 1844 (2008), in which the Council requested the Committee to report at least every 120 days on its work.

Sudan

On 23 April, the Council held a closed meeting with the countries contributing troops to the United Nations Mission in the Sudan (UNMIS), during which it heard a briefing by the Special Representative of the Secretary-General for the Sudan and Head of UNMIS, Ashraf Jehangir Qazi.

Also on 23 April, in informal consultations, the Special Representative presented the report of the Secretary-General on the Sudan (S/2009/211).

On 30 April, the Council adopted, by consensus, resolution 1870 (2009), by which it extended the mandate of UNMIS for a period of one year.

Chad and the Central African Republic

On 24 April, at a public meeting, the Council heard a briefing by the Assistant Secretary-General for Peacekeeping Operations, during which he presented the report of the Secretary-General on the United Nations Mission in the Central African Republic and Chad (MINURCAT) (S/2009/199). The Assistant Secretary-General highlighted the lack of progress in procuring the required equipment for MINURCAT, the political developments in Chad and the status of relations between Chad and the Sudan.

Following the meeting, the Council held informal consultations, during which the members expressed their views regarding the situation on the ground. The Council members welcomed the transfer of authority from EUFOR to MINURCAT and agreed that improved relations between Chad and the Sudan were crucial for the stabilization of the region and the full deployment of MINURCAT.

Darfur

On 27 April, at a public meeting, the Council heard a briefing by the Joint African Union-United Nations Special Representative for Darfur and Head of the African Union-United Nations Hybrid Operation in Darfur (UNAMID), Rodolphe Adada, who presented the report of the Secretary-General on the deployment of UNAMID (S/2009/201). He indicated that the current conflict in Darfur was considered a low-intensity conflict and outlined the main threats to stability in the Sudan. The briefing was followed by informal consultations, during which the members exchanged views. Some members objected to the characterization of the conflict as being "low intensity".

II. Latin America and the Caribbean

Haiti

On 6 April, the Council held an open debate to consider the question concerning Haiti and the report of the Secretary-General on the United Nations Stabilization Mission in Haiti (MINUSTAH) (S/2009/129).

The Council heard a briefing by the Special Representative of the Secretary-General and Head of MINUSTAH, Hédi Annabi. Following the briefing and the Council debate, the Council heard statements by the President of the Economic and Social Council and representatives of the Organization of American States, the World Bank, the Inter-American Development Bank, the International Monetary Fund, the World Food Programme and the United Nations Development Programme.

The Council heard statements by the Permanent Representative of Uruguay on behalf of the Group of Friends of Haiti, and 12 other delegations. It then heard a statement by the Permanent Representative of Haiti, who thanked Mexico for having convened an open debate on the question concerning Haiti.

Following the meeting, the President delivered a statement (S/PRST/2009/4) in which the Council welcomed the progress achieved in the five critical areas for the consolidation of Haiti's stability; noted with concern the challenges in the area of social and economic development; reiterated the need for security to be accompanied by social and economic development as a way for Haiti to achieve lasting stability; and reiterated its strong support for MINUSTAH and the Special Representative of the Secretary-General for their efforts to improve stability and governance in Haiti.

III. Asia

Democratic People's Republic of Korea

On 5 April, the Council held informal consultations to discuss the missile launch by the Democratic People's Republic of Korea.

Following the consultations, the President informed the press that the Council had met to discuss that critical situation and hear members' concerns.

On 11 April, the Council held informal consultations to consider a draft presidential statement, following which the President briefed the press.

On 13 April, at a public meeting held in connection with the Council's consideration of the item "Non-proliferation/Democratic People's Republic of Korea", the President delivered a statement on behalf of the Council (S/PRST/2009/7). The statement condemned the launch on 5 April 2009 by the Democratic People's Republic of Korea, which is in contravention of Security Council resolution 1718 (2006); reiterated that the Democratic People's Republic of Korea must comply fully with its obligations under resolution 1718 (2006); demanded that the Democratic People's Republic of Korea not conduct any further launch; agreed to adjust the measures imposed by paragraph 8 of resolution 1718 (2006) through the designation of entities and goods involved in the launch; and called for the early resumption of the Six-Party Talks.

On 24 April, the President of the Council received a letter from the Chairman of the Committee established pursuant to resolution 1718 (2006) informing him of the decision of the Committee regarding the designation of entities and goods.

Sri Lanka

On 22 April, the Council held an "informal interactive dialogue" to consider the humanitarian situation in Sri Lanka, with the participation of the Permanent Representative of Sri Lanka.

The Special Envoy of the Secretary-General to Sri Lanka, Vijay Nambiar, briefed the Council on the progress achieved during his visit to Sri Lanka, stressing that the purpose of his mission was to propose to the Government of Sri Lanka that personnel from the United Nations and the International Committee of the Red Cross be sent to Sri Lanka to help provide humanitarian assistance to the victims of the conflict and internally displaced persons.

Following the meeting, the President made remarks to the press, expressing the Council's concern at the situation in Sri Lanka.

In informal consultations on 24 April, under "Other matters", the Council considered the humanitarian situation in Sri Lanka, following which the President of the Council made remarks to the press.

On 30 April, the Council held another informal interactive dialogue, at which the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, John Holmes, briefed the Council regarding his visit to Sri Lanka from 25 to 27 April. The Permanent Representative of Sri Lanka also participated in the dialogue. Following the meeting, the President made remarks to the press outlining the position of the Council members.

In the remarks, the President expressed Security Council members' concern at the humanitarian situation in north-east Sri Lanka; their condemnation of the use by the Liberation Tigers of Tamil Eelam (LTTE) of civilians as human shields; their calls for LTTE to lay down its arms, renounce terrorism and allow civilians trapped in the conflict zone to be evacuated; their support for the Secretary-General's proposal to send a humanitarian mission to the conflict zone and their urge for the Government of Sri Lanka to extend its support to that mission; and their calls for the parties to respect international humanitarian law.

Fiji

On 20 April, in informal consultations, the Council heard a briefing on the situation in Fiji by the Under-Secretary-General for Political Affairs.

The Under-Secretary-General highlighted the constitutional crisis that had arisen following the interim Government's declaration of a state of emergency on 10 April; the suspension of the Constitution; the postponement of parliamentary elections until 2014; and the dissolution of the courts.

Following the meeting, the President made remarks to the press in which he expressed the Council members' deep concern regarding the situation in Fiji, including the abrogation of the Constitution; called for the restoration of democracy; and reiterated the Council members' support for the Secretary-General's efforts to resolve the situation.

IV. Middle East

Iraq

On 16 April, the Council held informal consultations on the activities of the International Advisory and Monitoring Board for Iraq and the Development Fund for Iraq. The Controller, Jun Yamasaki, presented a report on the matter.

Iraq/Kuwait

On 16 April, the Council held informal consultations to consider the issue of Kuwaiti nationals and Kuwaiti property missing since the Gulf war of 1990/91 and their repatriation to Kuwait, pursuant to Council resolutions 1284 (1999) and 1859 (2008). The High-level Coordinator, Ambassador Gennady Tarasov, introduced the semi-annual report of the Secretary-General on the item. The members agreed that the President of the Security Council should deliver a statement to the press.

Iraq

On 25 April, the President read out a statement to the press, condemning in the strongest terms the terrorist attacks in Baghdad and Diyala on 23 and 24 April. At the same time, the Council reaffirmed its support for the Government of Iraq and reiterated its own determination to combat all forms of terrorism.

Situation in the Middle East

On 20 April, the Council heard a briefing on the situation in the Middle East by the Under-Secretary-General for Political Affairs, who reported that very little progress had been made on the key elements of resolution 1860 (2009): the commitment of the parties to a durable and sustainable ceasefire; opening the crossings for humanitarian access and materials for recovery; and intra-Palestinian reconciliation. He conveyed the Secretary-General's expectation that the Middle East peace process would resume, with the aim of achieving an independent and viable Palestinian State living side by side in peace with a secure Israel, and a comprehensive Arab-Israeli peace as envisaged in Security Council resolutions. He stated that the situation in Gaza and southern Israel remained fragile in the absence of a proper ceasefire regime, and noted that 30 rockets and mortars had been fired by Palestinian militants at southern Israel during this period. He also highlighted Egyptian efforts to combat the continued arms smuggling across the Gaza border, and informed the Council that settlement activity continued in the West Bank and East Jerusalem during the reporting period, and must be frozen. After the meeting, the Council held informal consultations. Members pointed to the need to achieve a stable ceasefire, implement the provisions of Council resolutions 1850 (2008) and 1860 (2009) and open Gaza's border crossings to allow the entry of more humanitarian aid and essential goods and materials.

V. Europe

Kosovo

On 16 April, the Council held informal consultations and heard a briefing by the Assistant Secretary-General for Peacekeeping Operations, on the latest events relating to the situation in Kosovo and the United Nations Interim Administration Mission in Kosovo.

Cyprus

On 30 April, the Council held informal consultations to consider the situation in Cyprus.

The Council was briefed by the Secretary-General's Special Adviser on Cyprus, Alexander Downer, who asserted that in general terms the negotiations between the Turkish Cypriot and Greek Cypriot parties had been satisfactory, but emphasized that the final settlement of the conflict would have to be approved by both communities, through separate and simultaneous referendums.

Following the informal consultations, the Council held a public meeting at which it authorized the President to make a statement on behalf of the Council (S/PRST/2009/10), in which the Council welcomed the progress made by the Greek

Cypriot and Turkish Cypriot leaders and reiterated its support for the Secretary-General's good offices mission.

VI. Thematic issues

Mediation and settlement of disputes

On 21 April, the Council held an open debate on the item entitled "Maintenance of international peace and security: mediation and settlement of disputes", and on the report of the Secretary-General on enhancing mediation and its support activities (S/2009/189).

The Council was briefed by the Under-Secretary-General for Political Affairs, who spoke of the establishment of the Mediation Support Unit and a standby team of expert mediators, the importance of working with Member States, regional organizations and non-governmental organizations in efforts to mediate; and support activities for mediators in the planning and management of peace processes.

Following the briefing, the 15 Council members and representatives of nine other delegations made statements. At the resumed meeting, the Council heard statements from 19 more delegations.

At the end of the debate, the President made a statement on behalf of the Council (S/PRST/2009/8), in which the Council recognized the importance of mediation, to be launched at the earliest possible phase of a conflict; emphasized the importance of the actions taken by the Secretary-General in promoting mediation; and recalled the important contribution of Member States, regional and subregional organizations, civil society and other stakeholders to the peaceful settlement of disputes.

Children and armed conflict

On 29 April, the Council held an open debate, presided by the Minister for Foreign Affairs of Mexico, Patricia Espinosa Cantellano, to consider the report of the Secretary-General on children and armed conflict (A/63/785-S/2009/158).

The Council heard a statement by the Secretary-General and the introduction to the Secretary-General's report by the Special Representative of the Secretary-General for Children and Armed Conflict, Radhika Coomaraswamy, who emphasized the need for a direct link between the Security Council's Working Group on Children and Armed Conflict and the sanctions committees, and reiterated the report's recommendation that broader criteria should be used for the inclusion of groups in the annexes to the reports of the Secretary-General.

After the introduction of the report, the Council heard statements by the Under-Secretary-General for Peacekeeping Operations, Alain Le Roy, the Executive Director of the United Nations Children's Fund, Ann Veneman, and a former child soldier from Uganda, Grace Akallo.

The debate continued with statements by the 15 Council members and representatives of 58 other delegations, who expressed concern over the continuing recruitment and use of children in armed conflict in violation of international humanitarian law, the killing and maiming of children, rape and other sexual

violence against children, their abduction, the denial of access by children to humanitarian aid, and attacks on schools.

At the end of the debate, the President made a statement on behalf of the Council (S/PRST/2009/9), in which the Council indicated its intention to take action within three months on new criteria for including in the annexes to the Secretary-General's reports those parties that commit acts against children that are prohibited under international law; the need for additional support for the Working Group, particularly with regard to the follow-up to its recommendations; and the need to end impunity and bring violators to justice through international justice mechanisms, where applicable.

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14 July 2009

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Letter dated 1 July 2009 from the Secretary-General addressed to the President of the Security Council

With reference to Security Council resolutions 1575 (2004), 1639 (2005), 1722 (2006), 1785 (2007) and 1845 (2008), I have the honour to convey the attached letter, dated 25 June 2009, which I received from Mr. Javier Solana, Secretary-General and High Representative for the Common Foreign and Security Policy of the European Union, transmitting the eighteenth quarterly report on the activities of the European Union military mission in Bosnia and Herzegovina (EUFOR). The report covers the period from 1 March to 31 May 2009 (see annex).

I should be grateful if you would bring the present letter and its annex to the attention of the members of the Security Council.

(*Signed*) **Ban** Ki-moon

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Annex

Letter dated 25 June 2009 from the Secretary-General and High Representative for the Common Foreign and Security Policy of the European Union addressed to the Secretary-General of the United Nations

In accordance with the provisions of Security Council resolutions 1575 (2004), 1639 (2005), 1722 (2006), 1785 (2007) and 1845 (2008), I attach the eighteenth quarterly report on the activities of the European Union military mission in Bosnia and Herzegovina (EUFOR). The report covers the period from 1 March to 31 May 2009. I would be grateful if you would transmit this report to the President of the Security Council.

(*Signed*) Javier **Solana**

Enclosure

Report of the Secretary-General and High Representative of the Common Foreign and Security Policy of the European Union on the activities of the European Union military mission (EUFOR) in Bosnia and Herzegovina

I. Introduction

1. The present report covers the period 1 March to 31 May 2009.

2. The Security Council, in its resolutions 1575 (2004), 1639 (2005), 1722 (2006), 1785 (2007) and 1845 (2008), requested Member States, acting through or in cooperation with the European Union, to report to the Council on the activities of the European Union military mission (EUFOR), through the appropriate channels and at least at three monthly intervals. This document is the eighteenth such report.

II. Political background

3. At the end of March, the Parliamentary Assembly of Bosnia and Herzegovina adopted the first ever constitutional change to the Constitution of the country, giving the Brcko District access to the national constitutional court. This was one of the five objectives set by the Peace Implementation Council Steering Board for the closure of the Office of the High Representative.

4. Regarding State property, which is another objective for the closure of the Office of the High Representative, the Council of Ministers of Bosnia and Herzegovina established a working group in April to determine an inventory of State property. The working group started work in May and has a deadline for completing its task by 30 September.

5. On 19 May, the United States Vice-President Joseph Biden and I visited Bosnia and Herzegovina. Vice-President Biden gave a speech to the Parliamentary Assembly in which he expressed the support of the United States for the Euro-Atlantic integration process. We also met with the Presidency of Bosnia and Herzegovina and a number of other political leaders and officials. The visit demonstrated the coherence of the European Union-United States approach towards Bosnia and Herzegovina as well as concern about the current political situation in the country.

6. On 14 May, the Republika Srpska National Assembly (RSNA) adopted conclusions on the alleged transfer of competences from the entities to the State. These conclusions challenged the State's competences in a number of areas and also sought to make any future transfer of competences more complicated. The High Representative has written to the Speaker of RSNA requesting that the Assembly revoke its conclusions by 11 June, thus nullifying the 14 May conclusions before they enter into force.

7. On 26 May, the Party for Democratic Action (SDA) Congress re-elected Sulejman Tihic as party president.

III. Security situation and EUFOR activities

8. The overall security situation in Bosnia and Herzegovina remained calm and stable throughout the reporting period. Although nationalistic rhetoric continued, it had no impact on the safe and secure environment. The economic downturn has affected Bosnia and Herzegovina and has led to strikes during the reporting period, none of which have impacted the overall security situation. Any security challenges that arose were professionally and capably handled by the local police, although EUFOR continued to monitor the security situation.

9. The force of some 2,200 troops is concentrated in Sarajevo, with liaison and observation teams deployed throughout Bosnia and Herzegovina. EUFOR continues to conduct operations in line with its mandate: providing deterrence; ensuring continued compliance in relation to the responsibilities specified in the General Framework Agreement for Peace, annexes 1a and 2; and contributing to the maintenance of the safe and secure environment. EUFOR also continues to support the national law enforcement agencies in fighting organized crime in close cooperation with the European Union Police Mission; and the International Tribunal for the Former Yugoslavia in the search for persons indicted for war crimes.

10. During the reporting period, EUFOR, in response to requests from the International Tribunal, and with the support of NATO and local police, carried out search operations against support networks for persons indicted for war crimes.

11. There was limited progress during the reporting period in the area of joint military affairs. EUFOR and the Armed Forces of Bosnia and Herzegovina continued to conduct joint inspections of the latter's ammunition and weapon storage sites; and EUFOR continued to monitor, mentor and advise the Armed Forces in order to enhance the self-sustainability of the latter's capabilities. The management of the ammunition and weapon storage sites was reinforced by the establishment of a new electronic management system. EUFOR also continued to assist and support the Armed Forces with planning for the disposal of surplus arms and ammunition. The Ministry of Defence of Bosnia and Herzegovina disposal plan awaits approval by the Presidency, pending political agreement on State property. EUFOR has made the necessary technical preparations on civilian movement control (control of the movement of weapons and ammunition by Bosnia and Herzegovina contractors), and is ready to hand over responsibility to the national authorities once they have adopted the necessary legislation. The draft Law on the Civilian Movement Control was formally rejected by the Parliament of Bosnia and Herzegovina.

12. During the reporting period, EUFOR and the Armed Forces of Bosnia and Herzegovina continued to conduct combined training in line with the 2009 EUFOR training calendar. The Armed Forces participated in tactical exercises up to company level as well as in staff exercises.

13. On 18 May, the Council of the European Union approved, for planning purposes, the concept for a possible evolution of Operation ALTHEA towards a non-executive capacity-building and training operation. The Council reconfirmed that it would keep this planning work under regular review so that a decision on the future of the operation could be taken once the necessary conditions had been met. The Council reiterated that approval of the concept did not prejudge a political decision on the possible evolution of the operation, which would need to take

political developments, including the future role of the European Union Special Representative, into account.

IV. Outlook

14. The security situation is expected to remain stable despite the prospects of continuing political tension.

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Letter dated 13 July 2009 from the Chargé d'affaires a.i. of the Permanent Mission of the Sudan to the United Nations addressed to the President of the Security Council

Further to my letter of 18 June 2009 concerning the violation of Sudanese airspace by two Jaguar fighter jets, I am writing to inform you and, through you, the members of the Security Council, that two Mirage fighter jets proceeding from Chad have violated Sudanese airspace over a distance of several dozen kilometres. They circled at medium altitude east of the city of Kulbus in Darfur (coordinates 1422-2246). The incident took place on 27 June 2009 at 0830 hours.

The Government of the Sudan is drawing the Council's attention to this matter for the second time. The repeated violation of our airspace was a direct provocation of our armed forces, whose patience has been wearing thin as a result of observing such an incident for the second time in the same month. The Government of the Sudan therefore reserves its full, sovereign and legitimate right to respond to those violations in such a manner as to preserve the sovereignty and national security of the country.

In conclusion, I should be grateful if you would have the present letter circulated as a document of the Security Council.

(*Signed*) Mohamed Yousif Ibrahim **Abdelmannan**
Chargé d'affaires a.i.

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Security Council

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14 July 2009

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Letter dated 14 July 2009 from the Chargé d'affaires a.i. of the Permanent Mission of the Sudan to the United Nations addressed to the President of the Security Council

It gives me great pleasure to enclose herewith for your information, and through you to members of the Security Council, the agreed outcomes of the Tripartite Committee meeting, comprising the Government of the Sudan, the African Union and the United Nations, held in Khartoum on 12 July 2009 (see annex). The outcomes demonstrate the strong commitment of the Government of the Sudan to the full deployment of the African Union-United Nations Hybrid Operation in Darfur.

I would be grateful if the present letter and its annex were issued as a document of the Security Council.

(*Signed*) Hassan Hamid **Hassan**
Chargé d'affaires a.i.

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Annex to the letter dated 14 July 2009 from the Chargé d'affaires a.i. of the Permanent Mission of the Sudan to the United Nations addressed to the President of the Security Council

Government of the Sudan, African Union and United Nations Tripartite Committee on the African Union-United Nations Hybrid Operation in Darfur

12 July 2009, Khartoum

Agreed outcomes

1. On 12 July 2009, representatives from the Government of the Sudan, the African Union, the United Nations and the African Union-United Nations Hybrid Operation in Darfur (UNAMID) met in Khartoum to conduct the sixth Tripartite Coordination Mechanism meeting on UNAMID.

2. The Government of the Sudan representation included officials from the Ministries of Foreign Affairs, Interior, Defence, National Security and Civil Aviation and was led by Dr. Mutrif Siddiq, Under-Secretary for the Ministry of Foreign Affairs. The African Union Commission delegation was led by Mr. Ramtane Lamamra, Commissioner for Peace and Security. The United Nations delegation was led by Under-Secretary-General for Field Support, Ms. Susana Malcorra. The UNAMID delegation was led by the African Union/United Nations Joint Special Representative, Mr. Rodolphe Adada.

3. UNAMID conducted a state-of-deployment briefing, providing the Government of the Sudan, the African Union and the United Nations with an update on the current deployment and highlighting key milestones to occur through year's end. Since the last Tripartite Coordination Mechanism meeting on UNAMID deployment, held on 31 March, an increase of 2 per cent was registered on the ground, constituting 69 per cent deployment of UNAMID to date. UNAMID reported that a target of 97 per cent deployment by December 2009 remained the aim, noting that this was an ambitious goal as commitments for full force generation and enabling capacities were still outstanding. Dr. Mutrif stated that the Government of the Sudan would increase its efforts to support the expedited deployment of UNAMID with a view to facilitating the reaching of full mission strength.

4. The following aspects were discussed in connection with the review of the implementation of agreed outcomes of the last Tripartite Committee meeting:

(a) Air operations: Location of the Ethiopian tactical helicopter unit: Dr. Mutrif noted that technical discussions were ongoing. The Government of the Sudan took note of the reiterated request of UNAMID to secure the necessary co-location of the approximately 180 personnel responsible for operating, servicing and securing Ethiopian tactical helicopters. While requesting UNAMID to provide further information to the civil aviation authorities, Dr. Mutrif assured participants that a compromise solution would be found and provided to UNAMID in a timely fashion to ensure operational priorities, including the co-location of pilots, flight crews and necessary staff, in the required time frame to enable construction prior to the arrival of the Ethiopian tactical helicopter unit scheduled for October 2009. Ms. Malcorra underscored the importance of expediting the preparations for the

receipt of this capacity and reiterated the option of co-locating the Ethiopian tactical helicopter unit and related enablers at the Nyala super-camp. Dr. Mutrif stated that the Government of the Sudan would analyse all options specified during the Tripartite Mechanism meetings and revert accordingly;

(b) Visas: The Government of the Sudan has taken concerted measures to clear a number of outstanding visa requests. UNAMID noted tremendous progress made in the recent weeks in clearing visa backlogs. Dr. Mutrif assured participants that the Government of the Sudan has taken steps towards facilitating the processing of visas for UNAMID personnel. The Government of the Sudan has established an office dedicated to processing UNAMID visa applications;

(c) Local procurement capacity: UNAMID reported that since the last Tripartite Meeting, $179.5 million had been awarded to Sudanese vendors. Over 900 Sudanese vendors are currently registered with UNAMID. Dr. Mutrif stated that this was an encouraging development and an important measure to foster a policy of partnership between the Sudanese people and UNAMID. Ms. Malcorra added that the United Nations had undertaken outreach efforts in Khartoum as well as in Nyala, El Geneina and El Fasher to support the increased registration of local contractors to meet United Nations requirements. This approach constitutes a sustained policy for the future;

(d) National staff:

(i) UNAMID currently employs 2,259 staff representing 65 per cent of the total authorized national posts. Mr. Adada clarified that as of 12 July, national staff represented two thirds of the total civilian staff in UNAMID;

(ii) UNAMID noted that there were over 3,000 individual contractors working for the mission. Dr. Mutrif remarked on a recent incident resulting in damage to a radio antenna which involved a individual contractor, and requested additional coordination between UNAMID and the Government of the Sudan in the hiring process. With respect to the incident cited, Ms. Malcorra stated that an investigation would take place to address shared United Nations/UNAMID and Government of the Sudan concerns;

(e) Police:

(i) The UNAMID Police Commissioner reported that 1,421 national police personnel had received training and that the working relationship with the Government of the Sudan throughout Darfur was very good. Training has been conducted in community policing, sexual/gender-based violence, human rights, crime investigations, crime scene management and detention and treatment of suspects. Training of trainers has also commenced. Dr. Mutrif expressed his appreciation for the relations between UNAMID and the Sudanese police, particularly with respect to capacity-building and training programmes;

(ii) The Police Commissioner raised difficulties regarding the construction of community policing centres in Sector West. In this connection, Dr. Mutrif assured participants that efforts would be undertaken by the Government of the Sudan to facilitate the construction of the Community Policing Centre in Sector West. In response, UNAMID reiterated its commitment to facilitate the construction of training centres for police facilities;

(iii) Government of the Sudan-police vehicle maintenance: Both parties concurred that vehicle maintenance would proceed as agreed and as per the request of the Government of the Sudan. UNAMID specified that although some vehicles are beyond repair, efforts would focus on servicing reparable vehicles as agreed and that the mission would aim to initiate the repair programme prior to the next Tripartite Committee meeting;

(iv) With respect to the commitment of UNAMID to lend vehicles to Sudanese police during UNAMID convoy protection, the mission will revert to the Government of the Sudan with a plan of action;

(f) Activation of radio-frequency: Dr. Mutrif informed participants that as agreed at the fourth Tripartite Committee meeting (held on 18 February 2009), the Government of the Sudan has allocated broadcasting hours using both Darfur radio stations and Al-Salam radio broadcasting facilities to provide FM and MW wave capabilities for a number of hours per day. This constitutes a bridging solution. UNAMID expressed its gratitude for this interim solution and for the commitment of the Government of the Sudan to its expedited implementation, while recalling the need to finalize the issuance of the broadcasting licences in accordance with the status-of-forces agreement;

(g) Water: In response to Dr. Mutrif's call to ensure that water supplies are shared with local communities in close proximity to UNAMID infrastructure, the United Nations representatives noted that the principle of seeking water has embedded the principle of sharing with local communities. Though as noted by Dr. Mutrif, the mandate to provide water does not rest with UNAMID, the Government of the Sudan and the United Nations agreed that current efforts for ensuring the principle of water-sharing with local communities are working and will remain a staple of water policy in Darfur;

(h) Customs clearances; The Government of the Sudan confirmed that customs clearances for vehicles and equipment and demurrage charges at Port Sudan had been fully addressed. Ms. Malcorra expressed gratitude for resolving this issue, which underpins the expedited deployment of the mission, and noted that it would take some time to move the equipment and vehicles from the port.

5. Dr. Mutrif mentioned that certain unfortunate events involving a United Nations contractor that resulted in contaminated food appearing in the local market damaged the reputation of the mission. In this connection, the Government of the Sudan requests UNAMID to take appropriate action against the contractor.

6. In concluding the meeting, the Government, African Union and United Nations delegations agreed that the detailed discussions were evidence of the senior-level engagement and commitment that underpins the Tripartite Mechanism, which is focused on achieving the full deployment of UNAMID. All parties acknowledged the contributions of the UNAMID Force Commander and thanked him for his work. The Force Commander expressed his gratitude to all parties, and in particular recognized the Ministries of Defence, Interior, Foreign Affairs and others for their support in advancing the mandate of UNAMID and its commitment to serve the people of Darfur. Commissioner Lamamra highlighted the need for a forward-looking framework to fully enable strategic planning during the next phase of mission deployment.

7. In concluding the meeting, all parties agreed that the next Tripartite Meeting would be scheduled in September on the periphery of the General Assembly in New York. The agenda will be developed in advance by UNAMID as per standard procedure.

(*Signed*) Mutrif **Siddiq**
For the Government of the Sudan

(*Signed*) Ramtane **Lamamra**
Commissioner
For the African Union

(*Signed*) Susana **Malcorra**
Under-Secretary-General, Department of Field Support
For the United Nations

United Nations S/2009/357

Security Council

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Report of the Secretary-General on the United Nations Mission in Sudan

I. Introduction

1. The present report is submitted pursuant to paragraph 11 of Security Council resolution 1590 (2005), in which the Council requested that it be kept regularly informed of progress in the implementation of the Comprehensive Peace Agreement in the Sudan, and paragraph 26 of Council resolution 1870 (2009), in which the Council requested me to develop benchmarks (see annex I to the present report) for measuring and tracking progress in the implementation of the mandate of the United Nations Mission in Sudan (UNMIS), and to include in my report an assessment of progress made against those benchmarks, as well as any consequent recommendations regarding the configuration of the Mission. The report provides an assessment of the overall situation in the country since my previous report, of 17 April 2009 (S/2009/211), and provides an update on the activities of UNMIS up to 30 June 2009. Sections IV and VI of the report assess the progress made vis-à-vis the aforementioned benchmarks.

II. Security situation

2. The reporting period witnessed a deterioration in the security situation in Southern Sudan. On several occasions, long-simmering local conflicts have escalated into alarming waves of violence, at times triggering vicious cycles of attack. Most of the tribal violence occurred in Warrab, Lakes and Upper Nile States. Heavy fighting between the Murle and the Lou Nuer in Akobo County, Jonglei State, on 18 and 19 April, reflected a particularly disturbing development in which villages and their civilian inhabitants, rather than cattle camps, became targets of attack, resulting in an estimated 195 civilians killed and 70 wounded, including women and children.

3. Long-standing tensions between the Jikany Nuer of Nasser County, Upper Nile State, and the Lou Nuer of Akobo County, Jonglei State, escalated on 12 June when elements reportedly belonging to the Jikany Nuer attacked a convoy of 21 World Food Programme (WFP) barges and approximately 10 other boats, escorted by Sudan People's Liberation Army (SPLA) troops, on the Sobat River near Nyariem village, Upper Nile State. It is estimated that the clash resulted in the deaths of 30 civilians and 89 SPLA soldiers, while 20 soldiers were injured. At least 16 boats

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were looted and 5 destroyed. The convoy was moving from Nasser to Akobo to distribute food aid to up to 19,000 internally displaced persons, who had been dislocated as a result of the recent tribal clashes. While the local authorities have brought the situation under control, the situation remains tense.

4. In the north, inter-tribal violence between the Misseriya and Rizeigat clans broke out between 19 and 23 May along the Southern Kordofan-Southern Darfur border. These clashes involved unusually large and heavily armed combatant forces. Large numbers of Central Reserve Police deployed by the Governor of Southern Kordofan State to prevent further fighting were reportedly also killed.

III. Political developments

5. Preparations for the elections began to dominate the political scene after the National Elections Commission announced February 2010 as the polling date in a proposed schedule for the electoral process. The National Congress Party (NCP) and the Sudan People's Liberation Movement (SPLM), as well as the majority of the other political parties, have publicly accepted this timetable. Due to delays in the process, the Commission released a revised timetable on 1 July with polling to take place in April 2010.

6. On 1 June, the Political Parties Affairs Council awarded registration certificates to 36 political parties, in addition to the 32 parties already registered. Former Foreign Minister Lam Akol Ajawin resigned from SPLM and announced the formation of a new political party to be registered as SPLM-Democratic Change.

7. Despite SPLM reservations over detention powers and other issues, the NCP-SPLM High Executive Political Committee, co-chaired by Vice-President Ali Osman Taha and Government of Southern Sudan Vice-President Riek Machar, agreed to table the National Security Bill for debate in the Parliament. Following numerous changes to the draft Press and Printed Material Bill, the Parliament passed the Bill on 8 June. However, opposition parties and other observers remain concerned that the Bill gives the Presidency and Press Council excessive control over the media.

8. The finalization of the draft Referendum Act on the 2011 referendums remains behind schedule. With voter registration for the referendum scheduled to take place in July 2010, according to the Comprehensive Peace Agreement timeline, enactment of the Act and the concurrent establishment of the Referendum Commission are urgently required. Continued delays in this regard could have serious implications for implementation of the Peace Agreement.

9. On 23 April NCP and SPLM concluded their final submissions in the Abyei boundaries dispute to the Permanent Court of Arbitration in The Hague. The Court is expected to deliver its decision by 22 July. Representatives of both parties have assured UNMIS that they are committed to fully implementing the Court decision in a peaceful manner.

10. During the reporting period, President Omar al-Bashir and Government of Southern Sudan President Salva Kiir both decreed a reshuffle of their respective senior government officials and governors. Among the significant changes, former State Minister for Humanitarian Affairs Ahmed Haroun (NCP) was appointed as Governor of Southern Kordofan State and Abdel Aziz al-Hilu (SPLM) as its Deputy

Governor. Former SPLA Chief of Staff, Oyai Deng Ajak, was appointed Minister for Regional Cooperation in the Government of Southern Sudan.

IV. Implementation of the Comprehensive Peace Agreement

Abyei

11. The security situation in Abyei remains volatile and requires constant attention in light of the upcoming Permanent Court of Arbitration decision expected by 22 July. The Misseriya seasonal migration sparked a significant number of security incidents over the course of the reporting period. Reportedly, cattle raiding took place and a number of armed Misseriya nomads crossed into disputed areas inhabited by the Dinka Ngok. Villagers in Noong, 15 kilometres east of Abyei, reported that some families had left for Abyei as a precautionary measure until the Misseryia leave the area. With a view towards strengthening protection capacity, UNMIS conducted two protection training workshops during the reporting period for members of the local Joint Integrated Unit and Joint Integrated Police Unit. The Mission has also supported the convening of direct meetings between Dinka and Misseriya leaders and government officials in Abyei and Muglad, which focused on security after the Court decision and on longer-term issues.

12. The absence of senior officials from Abyei continued to affect the functioning of the Abyei Interim Administration. The Abyei Area Administrator and the Deputy Administrator remained out of the area for much of the reporting period for negotiations and discussion on securing a budget for Abyei. Other senior members of the Administration, such as the parliament, the executive and council members were also absent, slowing progress at every level, including organization of the five-state inter-tribal and Government conference to address transboundary issues, including migration, and the sharing of water and grazing land.

13. The Ministry of Finance and National Economy reported that it had so far released 5 million Sudanese pounds to the Abyei Administration to facilitate payment of salaries and operational expenses and had processed the disbursement of an additional 1 million Sudanese pounds in June towards operational costs. The absence of an agreed yearly budget and the uncertainty associated with the disbursement of funds, however, continued to be a challenge for the Administration with regard to the provision of the most basic of services to the community and the retention of its employees.

14. Violations of the Abyei Road Map Agreement addressed by the Ceasefire Joint Military Commission included a complaint by SPLA concerning the presence of mobile and armed Oil Field Protection Police in the Road Map Area, as well as the alleged presence of organized militia said to be heavily armed and moving within Misseriya cattle camps in the southern reaches of the Road Map Area. Freedom of movement for UNMIS was generally granted within the Road Map Area, with the exception of the Akur area, south-west of Agok, where SPLA denied access claiming that Akur was part of Bahr el Ghazal State. The issue was taken up in the Ceasefire Joint Monitoring Commission and has been referred to the Ceasefire Political Commission for clarification on the location of Akur. Meanwhile, joint monitoring teams from sector VI and sector II will verify the troops in Akur. It is critical to note, however, that UNMIS movements north of the Road Map Area remain restricted, thus denying the Mission any situational awareness with regard to

deployment of forces by both sides just outside the Road Map Area. This affects the ability of UNMIS to take timely action to prevent any escalation.

15. Progress has been made in the deployment of the Joint Integrated Police Units, albeit at a slow pace. The Unit in Abyei now comprises 155 personnel from the north and 179 from the south. Six police posts have been constructed at strategic points along the Misseriya migratory routes and the installation of antenna base towers for the Abyei police headquarters and the police stations in Abatok and Agok was completed. Further deployment and relocation of personnel of the Unit outside of Abyei town, however, has been hampered by a continued lack of vehicles, accommodation, training areas, detention infrastructure and communication equipment. While personnel of the Unit have been trained to perform the duties of formed police units, they lack essential equipment to undertake requisite operations.

Southern Kordofan and Blue Nile States

16. The appointment of the new Governor and Deputy Governor in Southern Kordofan State has brought a new momentum to the process of integrating the former SPLM "closed areas" into the political, administrative, social and economic infrastructure of the State. Improvements can be observed in the political and security fields, which can also be attributed to a more positive cooperation between NCP and SPLM. The social and economic dividends of the peace process remain, however, insufficient. The government of Southern Kordofan, which appears to be aware of the difficulties this could present for the stability of the State, is engaged in prioritizing its objectives in these areas and has indicated its intention to seek an enlarged role for the United Nations in achieving them. In Blue Nile State, the SPLA-controlled Kurmuk area remains outside of the control of the State government in Ed Damazin.

17. Popular consultation is a mechanism foreseen in the Comprehensive Peace Agreement to ascertain the views of the people of the transitional states (South Kordofan and Blue Nile) on governance of their respective states. However, there is still widespread misunderstanding wherein many in these states equate popular consultation with the right to self-determination which, according to the Peace Agreement, is not the case. In this regard, public information efforts and public discourse on the subject are urgently needed. Accordingly, UNMIS has engaged the parties and local authorities on the overall popular consultation process and the way forward.

Redeployment of forces

18. The Sudanese Armed Forces verified redeployment figures stand at 95.5 per cent (of the 46,403 initially stated) and SPLA redeployment currently stands at 13.7 per cent (of the 59,168 initially stated). A comprehensive redeployment review has been submitted by the Ceasefire Joint Monitoring Commission to the Ceasefire Political Commission for consideration. The potential for further improvement in the figures through monitoring and verification remains limited. Further progress in this regard, therefore, lies within the purview of the political leadership of both sides. While the Monitoring Commission will continue monitoring and verification where applicable, it will not be able to verify the redeployment completely. Steps required to complete redeployment include a review of the initially stated figures and agreements on the verification of redeployed soldiers without weapons and on

redeployment figures that cannot be verified, including individuals transferred to other security services and voluntarily demobilized soldiers.

Joint Integrated Units

19. As reported by the 97th meeting of the Ceasefire Joint Monitoring Commission, held on 2 June, deployment of Joint Integrated Units stands at 82.6 per cent. The reverification of these Units in accordance with the new and approved standard operating procedure is pending submission of the nominal roll of soldiers by respective Sudanese Armed Forces and SPLA components of the Units. With the exception of the Unit in Abyei, which received training and support following the clashes in May 2008, the Units remain largely untrained, lack resources, are not co-located in most places and are not integrated. The efforts and resources provided by the Government of National Unity to make them functional have so far been insufficient.

20. Clashes in Malakal and Abyei indicate that the lack of command, control and integration in the Joint Integrated Units has become a source of instability in certain areas. As such the Units have in some instances further compounded an already fragile situation, in particular where former "other armed groups" from the region form part of the Units. The lack of progress on the relocation of the personnel of the Units out of Malakal town and the outstanding rotation of those involved in the fighting remain issues of serious concern. No executive orders have been issued by the Joint Defence Board on the matter thus far, despite efforts and repeated requests made by UNMIS to that effect.

21. In line with Security Council resolution 1870 (2009), mandating UNMIS to coordinate international assistance for the Joint Integrated Units, the Mission is currently reviewing options for a support plan that prioritizes support for the Units relative to their locations. This would allow for efficient and targeted use of donor funds in support of the Units.

National census and elections

22. On 2 April, the National Elections Commission publicly announced that general elections would take place from 6 to 21 February 2010. The proposed electoral timeline called for constituency delimitation to commence on 15 April, the constituencies to be published on 1 June, voter registration to commence on 2 June and publication of the provisional list of voters in early August. To date, none of these milestones have been met. As a result of continuing delays, the Commission has published a revised timetable which schedules polling to commence on 5 April 2010.

23. The period allotted for existing political parties to register and adjust their status ended on 5 May. According to the Political Parties Affairs Council, registration remains open for new parties to register and the Council will discuss the establishment of a deadline by which new parties wishing to nominate candidates for the elections must file their applications for registration with the National Elections Commission. As at 1 July, a total of 71 parties have been registered and applications for another 7 are pending.

24. Concerns about the census results raised by the Southern Sudan Commission for Census, Statistics and Evaluation were considered in the Technical Working

Group. The Working Group agreed to forward the results to the Population Census Council with a note about those concerns. On 26 April, the Council approved the results and forwarded them to the Presidency, which presented them to the National Elections Commission Chairman and Deputy Chairman on 6 May. On 21 May, the Director General of the Central Bureau of Statistics announced the long awaited results of the fifth national population census in the Sudan. The census results indicated that the total population of the Sudan was 39.15 million, with Northern Sudan having a population of 30.89 million (79 per cent) and Southern Sudan 8.26 million (21 per cent). Senior SPLM officials have publicly disputed the results and remain opposed to their use for power-sharing purposes. Nonetheless, the National Elections Commission took a decision on 8 June on the apportionment of seats in the National Assembly based on the census results received from the Presidency.

25. Members of the High Committee for Southern Sudan as well as the 25 state Election Committees have been appointed and were sworn in during a training workshop held in Khartoum from 16 to 18 June, organized by UNMIS, the National Elections Commission, the Assessment and Evaluation Commission, the United Nations Development Programme (UNDP) and the Government of Italy.

Wealth-sharing

26. According to a report by the Ministry of Finance and National Economy released in June, the Sudan's total oil revenues for April were $158.76 million; the shares of the Government of National Unity and the Government of Southern Sudan stood at $61.638 million and $51.6 million respectively. The Ministry of Finance of the Government of National Unity has informed UNMIS that all arrears for 2008 have been settled, which the Government of Southern Sudan confirmed in May. However, figures for 2009 available as at 17 June suggest that $4.45 million is still owed in arrears for the period January to April 2009. The total oil revenues transferred to the Government of Southern Sudan from 2005 to March 2009 amounted to $5,372 million.

27. In accordance with the Abyei Protocol and the Abyei Road Map Agreement, Warrab and Southern Kordofan States continue to receive shares of revenue from oil produced in Abyei. The Ministry of Finance and National Economy has informed UNMIS that the 2 per cent shares allotted to local Ngok Dinka and Misseriya are being transferred to two separate accounts under the Abyei Area Administration and the government of Southern Kordofan State.

V. Implementation of other peace processes in the Sudan

28. The political and security situation in eastern Sudan during the reporting period has been relatively calm. Progress has been achieved in the implementation of the Eastern Sudan Peace Agreement including on the disarmament, demobilization and reintegration process, the flow of requisite funds from the Eastern Sudan Reconstruction Fund and implementation of a number of recovery and development projects in the three eastern states. However, a number of issues have not been fully addressed, including growing poverty and economic marginalization, as well as security vulnerabilities resulting from the long porous Sudanese coastline. Of particular concern is the break-up of the Eastern Front, a

party to the Eastern Sudan Peace Agreement, and its split into three different political parties, namely the Beja Congress, the Free Lions and the Eastern Democratic Party, which could paralyse further implementation of the benchmarks contained in the Peace Agreement given the lack of one counterpart for the Government of National Unity.

29. Delegations from the Government of the Sudan and the Justice and Equality Movement (JEM) met in Doha from 27 May to 18 June 2009 to discuss implementation of the Agreement of Goodwill and Confidence-building for the Settlement of the Problem in Darfur signed on 17 February 2009 under the auspices of the African Union-United Nations mediation and the Government of Qatar. The parties discussed ways to move the peace process forward, in particular with respect to the issues of exchange of prisoners, the humanitarian situation, a framework agreement and cessation of hostilities.

30. The objective of the mediation in Doha was to facilitate a framework agreement, including a cessation of hostilities, as soon as possible. However, JEM insisted that the Government release all JEM prisoners before initiating discussion of a framework agreement and cessation of hostilities, while the Government insisted upon a cessation of hostilities agreement before any prisoner exchange. With no significant change in position by either party, and following considerable efforts on the part of the mediation to find a middle ground, the talks were suspended to allow the parties to undertake further internal consultations. The mediation continues to work with both sides, in particular on the question of a timetable for prisoner release and a framework agreement, and plans to bring both parties back to Doha when they are ready to commence negotiations on a framework agreement. The African Union-United Nations Joint Chief Mediator, Djibrill Bassolé, met with the Tripoli Group (comprised of five rebel movements) in Sirte, Libyan Arab Jamahiriya, from 28 to 30 June to discuss the possible participation of the Group in the Doha negotiations. The mediation also held broad consultations in Darfur, Khartoum and Tripoli with representatives from Sudanese civil society, non-governmental organizations and tribal leadership to underline the intention to broaden participation in the Darfur peace process.

VI. Implementation of the mandate of the United Nations Mission in the Sudan

Good offices, conflict management and reconciliation

31. Throughout the reporting period, my Special Representative maintained constant dialogue with the Sudanese political leadership and key Sudanese and international stakeholders in the peace process. To address the security situation in Southern Sudan, my Special Representative met with President of Southern Sudan Salva Kiir and local authorities in Juba as well as officials in Pibor and Akobo in Jonglei State and Malakal in Upper Nile State.

32. During the recent outbreaks of violence in Jonglei State, UNMIS worked closely with the Southern Sudan Peace Commission to support and facilitate the work of the Joint Lou Nuer/Murle ceasefire committee in Jonglei State. UNMIS also provided support to the Lou Nuer/Dinka Twic peace and reconciliation conference convened by the Jonglei State government in Bor town. In addition, UNMIS has been collaborating with the Jonglei and the Upper Nile State authorities to lessen

tensions between the Jikany Nuer and Lou Nuer communities in their border areas. UNMIS will continue working with state and Government of Southern Sudan authorities on a series of bilateral peace conferences in Jonglei to reach agreements on grievances linked to compensation, grazing routes and abductions, culminating in an all Jonglei State peace conference later in 2009 with the view to ensuring a peaceful dry season between January and June 2010.

33. A review of the conflict mitigation activities of UNMIS in Jonglei State has led to strengthened forward planning in Jonglei and relevant adjoining portions of Upper Nile State, as well as plans for a strengthened surge capacity of military and non-military components of UNMIS for future potential or actual conflict situations.

Military deployment and activities

34. As at 28 June, 9,080 out of the authorized 10,000 UNMIS military personnel were deployed in the Sudan, including 521 military observers, 192 staff officers and 8,367 troops. These figures reflect a rebalancing of the military component as recommended by the military capability study conducted in August 2008. Given the composition of the military component of the Mission (staff officers at headquarters, engineering, medical, aviation, transport and de-mining personnel, military observers and support troops), this translates into a ratio of approximately one armed soldier per 121 square kilometres in the UNMIS area of operation or one armed soldier per 2,000 people.

35. Routine operations have continued through the conduct of joint patrols by military observers and national monitors and the military component has seen an increase in support to the ceasefire mechanism through the demobilization, disarmament and reintegration process.

36. In accordance with Security Council resolution 1870 (2009), UNMIS is reassessing its military deployment with special emphasis on the protection of civilians. Following reports of an imminent attack by Murle fighters on the Dinka village of Anyidi, east of the Jonglei State capital, Bor, a pre-emptive military deployment was launched on 9 April in coordination with local authorities and SPLA. The successful deployment ended on 11 April, following the arrival of SPLA soldiers dispatched to secure the location.

37. In an effort to contain the violence in Jonglei State between Murle and Lou Nuer, military forces from sector III and the force reserve battalion, both from the Indian contingent, have been deployed since 10 May to two temporary operating bases in Akobo and Pibor. Each base now has a platoon-strength military presence. Their task is to patrol the area and provide security for the civilian elements of the teams deployed to undertake conflict mitigation and reconciliation activities. These deployments have contributed to stabilizing the situation and preventing further clashes.

Police

38. As at 28 June, UNMIS had deployed 90 per cent of its mandated police strength (645 police advisers, including 68 women, out of 715) to 22 sites throughout the Mission area.

39. During the reporting period, UNMIS Police trained 2,856 local police officers, including 317 female officers, in various subjects, including basic training,

community policing, gender and child protection, special weapons and tactics, riot control and VIP security.

40. The Government of the Sudan Police renewed its request that UNMIS extend its training activities from Kassala, El Obeid, Sennar and Port Sudan to the remainder of the northern states. The Mission informed the Government of National Unity that conforming to that request would require additional UNMIS Police personnel. Further action will be considered once a response from the Government has been received. The implementation of the community policing model for internally displaced person camps, developed by UNMIS Police, has commenced successfully. The Government of the Sudan Police has requested that the model also be implemented by the African Union-United Nations Hybrid Operation in Darfur (UNAMID) for the Darfur area and UNMIS and UNAMID have taken steps to follow up on that request.

41. In addition to ongoing training for the Southern Sudan Police Service, new projects aimed at improving payroll verification, asset management and budgetary controls are being implemented. Despite improvements in administration, operations, awareness of human rights, gender issues and community policing, significant remaining challenges include illiteracy, limited organizational and management capacity and continued use of SPLA by local authorities to resolve law and order issues.

42. The Government of the Sudan Police has requested UNMIS support for election security training and UNMIS is a member of the recently established Government of the Sudan Police Elections Security Training Committee, chaired by the Director General of Police. The Government of the Sudan Police and the Southern Sudan Police Service have both approved the UNMIS elections security training curriculums.

Border demarcation

43. According to media reports, the Presidency has instructed the Border Commission to submit its final report by the end of September. Any outstanding disagreements are to be included in the report to be tackled by the Presidency. The United Nations hosted the Chair and the Deputy Chair of the Border Commission at the United Nations Logistics Base in Brindisi to discuss the delineation of the border on the base map with cartographic experts from the United Nations. At the request of the parties, the United Nations has agreed to deliver the necessary technical assistance for them to finalize their delineation work.

Disarmament, demobilization and reintegration

44. During the reporting period, the demobilization and reintegration programme continued in Blue Nile State. Three additional disarmament and demobilization operations were launched in Southern Kordofan and Central Equatoria States. As at 25 June, the Sudan disarmament, demobilization and reintegration programme had demobilized 6,104 ex-combatants. All candidates received their reinsertion packages, comprising cash, non-food items and coupons for WFP food rations for three months. Information, counselling and referral services for reintegration opportunities commenced in Ed Damazin and reintegration planning for the caseload in Southern Kordofan and Central Equatoria States is at an advanced stage.

45. Despite the progress achieved, significant challenges lie ahead for the United Nations and national counterparts. The total caseload of the first phase now stands at 64,000 (out of the eventual target of 180,000), which includes 34,000 current members of SPLA to be demobilized shortly by the Government of Southern Sudan due to the fiscal crisis in Southern Sudan. However, currently available funding will cover the reintegration of only approximately 23,000 participants across the Sudan. Discussions with donors to secure additional funding are ongoing. Demobilization operations may have to slow down this autumn if sufficient resources for reintegration cannot be secured in time. Similarly, there is a serious lack of funding for demobilization of child soldiers.

Return and reintegration

46. North-south convoys organized by the United Nations under the joint organized return programme all but ceased owing to lack of Government and donor support. Figures for organized returns of internally displaced persons have nonetheless reached 8,687 thus far for the current year and over 90,000 cumulatively. The fall-off in joint organized return convoys from the north has led to a significant increase in spontaneous returns. From January to June 2009, an estimated 120,000 people returned spontaneously from Northern Sudan to the Three Areas and Southern Sudan. Lack of information on these returns makes planning assistance difficult.

47. The Office of the United Nations High Commissioner for Refugees reported a cumulative total for organized and assisted refugee repatriation of 168,026 individuals by early June 2009, of whom 28,661 returned this year. Combined with spontaneous returns, this brought the grand total for all repatriations since the signing of the Comprehensive Peace Agreement in 2005 to 324,856, comprising more than 60 per cent of the Sudanese refugee population from neighbouring countries.

48. UNMIS estimates that by the end of the second quarter of 2009, well over 2.3 million displaced Sudanese will have returned home. Local tensions and violence have produced some secondary displacement of returnees, including backflows to prior areas of displacement, especially around Khartoum. Urbanized internally displaced persons have been detected returning back to the urban areas because the rural areas they moved to were less well served in terms of access to water, health care, education and livelihood opportunities. The accelerated return and reintegration initiatives by the United Nations and its partners are designed to address some of these deficiencies by ensuring improvements in the level of basic services available in areas of high return.

Recovery and development

49. In Southern Sudan, the humanitarian situation deteriorated sharply as a result of increased attacks by the Lord's Resistance Army (LRA) in Western, Eastern and Central Equatoria States, as well as an upsurge in inter-ethnic violence in Jonglei, Upper Nile, Warrab, Western Bahr el Ghazal and Northern Bahr el Ghazal States. The situation has been compounded by outbreaks of acute watery diarrhoea, cholera, meningitis and malaria in Northern Bahr el Ghazal and Warrab States, and polio in all states. Continued attacks by LRA have displaced 54,000 people within Southern

Sudan since December 2008, and 20,000 refugees displaced by LRA violence in the Democratic Republic of the Congo are currently in Southern Sudan.

50. Consequently, the United Nations and its partners responded to 24 incidents of humanitarian emergency during the reporting period and provided medical assistance, water, sanitation and food, as well as non-food items such as shelter, to the affected population. Over 100,000 people were displaced by conflicts in various parts of Southern Sudan during the reporting period, with further population movements caused by cattle raids among pastoral communities. The humanitarian situation was further aggravated by the fiscal crisis that is affecting Southern Sudan. The decrease in oil revenue will have severe effects: reduced economic activity, decreased spending by government and cuts in operating and salary costs.

51. Following the Joint Government/Three Areas/United Nations assessment mission, the Government has extended some of its basic service programmes and new international non-governmental organizations started operations under established Government/non-governmental organization mechanisms.

52. In Abyei and Southern Kordofan State, humanitarian and recovery programmes continue to be affected by conflict over land and grazing rights and by recurrent inter-tribal violence. The uncertainty surrounding the pending arbitration decision on Abyei and its possible fallout further aggravate the situation. Humanitarian contingency plans previously developed by the United Nations and partners to support communities affected by conflict in the Abyei area are being updated and will feed into the overall UNMIS contingency plan for Abyei. In Southern Kordofan State over half a million people do not have access to health services, affecting mostly children under the age of 5, women and returnees, especially in former SPLM controlled "closed areas". In Blue Nile State, concern has been expressed about the possible isolation of remote villages resulting from floods that accompany the onset of rains.

Human rights

53. On 21 April, the National Assembly passed the National Human Rights Commission Act, a key benchmark in the Comprehensive Peace Agreement and an important element of the national human rights protection system. On 24 April, the Sudan ratified the Convention on the Rights of Persons with Disabilities and its Optional Protocol. On 26 May, UNMIS Human Rights and the Government of the Sudan's Advisory Council for Human Rights co-chaired the second meeting of the new Human Rights Forum in Khartoum. The meeting focused on the detentions that followed the JEM attack on Omdurman in May 2008.

54. The number of death sentences awarded in the Sudan are a serious concern. Observers of recent death penalty cases have also raised concerns regarding the right to a fair trial guaranteed by the Comprehensive Peace Agreement, the Sudan's Bill of Rights and international treaty obligations. On 13 April, nine men, convicted in November 2007 for the murder of newspaper editor Mohamed Taha, were hanged in Khartoum, despite grave concerns expressed by observers of the trial about fair trial guarantees and allegations of torture raised by the defendants. Several appeals from the United Nations urging the Government of National Unity to stay the executions and ensure respect for the right to a fair trial were ignored. Similar concerns have been raised by observers of the trials of those suspected of involvement in the JEM attack on Omdurman by specially convened anti-terrorism

courts in Khartoum. By the time of writing of the present report, the number of death sentences issued in these cases stood at 103. More recently, four of the five defendants on trial for the murder of John Granville, a staff member of the United States Agency for International Development, and his Sudanese driver were sentenced to death. Observers of the trial reported that the defendants retracted their confessions, which they claimed were extracted under torture while they were held incommunicado for approximately one month. The prosecutor turned down requests by the defence counsel to investigate the torture allegations and the court used the confessions as evidence for the convictions.

55. In Southern Sudan, certain crimes continue to carry the imposition of the death penalty. Since September 2007, three executions have been carried out and more than 80 death sentences have been handed down. Given the serious limitations in the availability of adequate legal counsel services following detention, observers expressed serious concerns over fair trial rights, in particular in cases carrying the death penalty.

56. The Comprehensive Peace Agreement places an obligation on the authorities in Northern and Southern Sudan to protect the right to life of civilians within their jurisdiction. The ongoing inter-tribal clashes (as mentioned in para. 2 above) in Southern Sudan illustrate the numerous challenges that the authorities face in this regard.

Elections

57. An interdisciplinary United Nations needs assessment mission visited Khartoum, Juba and El Fasher from 28 April to 8 May providing an assessment of progress towards the holding of the elections and donor support. The elections, as envisaged in the Comprehensive Peace Agreement, form part of the larger process of democratic transformation. In this regard, a conducive environment supported by the requisite legal framework is essential for holding credible elections.

58. UNMIS continues to build its electoral assistance capacity, with approximately 84 per cent of the Mission's 2008-2009 electoral assistance staff recruited. Together with UNAMID and UNDP, the Mission continues to engage actively in coordination mechanisms both within the United Nations system and with the wider international community. The Policy Committee, established by the National Elections Commission to discuss critical issues facing the Commission and co-chaired by the Commission Chair and my Special Representative, has met three times. A Technical Committee, co-chaired by the Commission Secretary-General and the UNMIS Chief Electoral Affairs Officer, has also been established to ensure that international assistance addresses those critical issues. Operationally, the most important requirement is for the Commission to finalize a viable operational plan and budget for elections. Once those are finalized and donors are able to study the plan, they will be able to decide on the type of technical, financial and operational assistance they would be able to provide for the process.

59. UNMIS has also engaged with the National Elections Commission Commissioners and members of the various Commission committees, providing advice and recommendations on the development of the subsidiary legal framework and procedures, voter registration options, voter education, media relations and information technology systems. Numerous information resources, including fact sheets covering all areas of the electoral process, have been provided to the

Commission. UNMIS is also funding the printing of another 6,000 copies of the National Elections Act following a thorough review and revision of the English translation in conjunction with the Commission and the Ministry of Justice.

60. On 28 May, the Chair of the National Elections Commission, a representative of the Ministry of International Cooperation, and the UNDP Country Director signed a UNDP project document entitled "Support to elections and democratic processes". The document lays the foundation for international support to the elections and includes an initial budget of $68.7 million to cover support to the National Elections Commission, the Political Parties Affairs Council, civic and voter education, domestic observation, media training and monitoring, and key stakeholders, such as women and youth. A total of $7,097,874 has been received to date, $5,790,328 of which is available. Confirmed pledges total $22.5 million and donors have expressed interest in contributing another $4.5 million.

Support for referendums

61. Following a request made by the Presidency, UNMIS is engaged with the Sudanese authorities in order to support preparation for the referendums through documentary resources and sample referendum laws.

Rule of law and corrections

62. During the reporting period, the Criminal Act Amendments Bill, the Criminal Procedure Code Amendments Bill, the Civil Procedures Amendments Bill, the Human Rights Commission Bill, the Press and Printed Materials Bill and the National Land Commission Bill have been adopted by the National Assembly and the National Armed Forces and Police Forces Acts were enacted into law. The Southern Sudan Land Act, Local Government Act and Sudan People's Liberation Army Act were adopted by the Southern Sudan Legislative Assembly. While these enactments provide some codification of basic individual protections, political parties have raised concerns that some provisions fail to effectively advance, and others expressly restrict, rights of citizens and democratic institutions as they set very vague behavioural standards open to interpretation and possible abuse.

63. The UNMIS Rule of Law and Corrections Unit continued its monitoring and advisory activities. The National Legal Aid Bill is being drafted by the Department of Legal Aid at the Ministry of Justice with support from UNDP and UNMIS. In Southern Sudan, UNMIS closely monitored the progress of the legislative agenda, through regular meetings with the Ministry of Legal Affairs and Constitutional Development as well as with members of the National Assembly. UNMIS is also monitoring input from civil society into the draft land policy for Southern Sudan, currently being worked on by the Southern Sudan Land Commission.

64. The UNMIS Rule of Law and Corrections Unit continued its assessments of prison conditions throughout the country. Based on its assessments, donor-funded infrastructure programmes have commenced in the El Roseires Prison in Blue Nile State, the Rumbek Prison in Lakes State and the Omdurman Female Prison. Training for prison officers and management in El Obeid, Port Sudan and Khartoum was also conducted.

Child protection

65. During the inter-tribal clashes between the Murle and Lou Nuer in Jonglei State, more than 200 children were reportedly abducted and unconfirmed numbers were killed and displaced. In collaboration with local authorities, community leaders and non-governmental organization partners, UNMIS and the United Nations Children's Fund are leading efforts to systematically register missing children. Tribal mediations have not been successful in ensuring the return of abducted children to their communities. The abductions also constitute a violation under the newly promulgated Southern Sudan Child Act.

66. Reintegration of children associated with SPLA remains a pressing challenge. The position of SPLA High Command of no longer recruiting children into their forces is not widely implemented by field commanders, who continue to hold boys and girls under 18 in their ranks.

Protection of civilians

67. Given the rising tensions related to seasonal migration in the Abyei region, UNMIS conducted two training workshops with 26 members of the Joint Integrated Unit and 20 members of the Joint Integrated Police Unit on issues of protection of civilians and that of children.

68. In Jonglei State, the conflict between the Lou Nuer and Murle tribes has left hundreds of civilians dead and thousands displaced; the destruction of property, theft of cattle and general insecurity have also undermined livelihoods and coping mechanisms and may endanger the security and reintegration of returnees. Provision of humanitarian assistance was also hampered by denial of access along the river between Nassir and Akobo by the Jikmir community in Nassir County.

69. The lack or weakness of adequate rule of law and human rights institutions, such as access to legal counsel, functioning courts and human rights commissions in many parts of the Three Areas and Southern Sudan is a major challenge in implementing the protection mandate. Violence, including gender-based violence, often remains unaddressed and perpetrators are not apprehended. While programmes for survivors of gender-based violence are very limited in these areas, protection and gender-based violence working groups are promoting direct advocacy and response mechanisms with state authorities.

Public information

70. In a period characterized by escalating media rhetoric from all sides, UNMIS organized workshops in Khartoum and Juba for national journalists to promote accurate reporting on the Comprehensive Peace Agreement and related issues. An outreach seminar on the dissemination of the Comprehensive Peace Agreement, the first in Northern Sudan, was held in Sennar State from 29 to 30 June in the presence of the Governor, Government ministers, senior local government officials, community leaders and opinion makers.

71. In support of the implementation of the Mission's mandate, a film was produced for the launch of the national disarmament, demobilization and reintegration programme in Blue Nile State to disseminate information on the programme to the beneficiaries and media visits were organized to cover the Mission's activities in Jonglei and Upper Nile States, supported by audiovisual

material. The UNMIS Public Information Office resumed regular press briefings, starting with a conference on progress in the disarmament, demobilization and reintegration process.

72. UNMIS Radio, "Miraya", continues to be one of the most popular and trusted sources of news and information in Southern Sudan, where it is broadcast on FM frequencies. No such frequency has been assigned in Northern Sudan, making the radio programmes available only on short-wave radio for a few hours every day.

Mine action

73. Since the beginning of their activities in the Sudan, UNMIS mine action teams have opened a total of 31,813 kilometres of road, cleared 60,437,560 square metres of land, destroyed 17,935 mines and 835,106 unexploded ordnances, and provided risk education to 2,790,817 people in affected areas and internally displaced persons in camps and way-stations. Capacity-building efforts have focused on mine clearance, risk education and victim assistance through on-the-job training and workshops for national authorities.

74. The Pakistani Military Demining Company handed over 97,000 square metres of cleared land to the community of Kurmuk in Blue Nile State. Other major accomplishments include the clearance of a minefield at the Lafon airfield in Central Equatoria State, which will enable the establishment of an operations base for a wildlife national park, as well as the clearance of areas of rice fields in Northern Bahr el Ghazal State and of high-priority routes throughout the Three Areas and Southern Sudan.

Conduct and discipline

75. The strategic focus on prevention as the main pillar of activities undertaken by the UNMIS Conduct and Discipline Unit has yielded higher levels of compliance by all categories of personnel with the United Nations code of conduct and zero tolerance policy on sexual exploitation and abuse. No incidents of serious misconduct were reported. Minor cases were referred to management for resolution or resolved informally through mediation of the Unit to the satisfaction of the concerned parties.

76. The partnership emerging with national counterparts on issues relating to sexual exploitation and abuse was further strengthened through outreach activities jointly organized by a task force led by the Conduct and Discipline Unit with representatives from the Government, local non-governmental organizations and the United Nations country team. "Open house" and panel discussions on trafficking, prostitution and gender-based violence in Southern Sudan were aimed at raising awareness among local leaders, women, youth and civil society organizations, business owners and students and faculty at the universities in Juba, Omdurman, Malakal and Ed Damazin.

Gender

77. The UNMIS Gender Unit, in coordination with United Nations agencies, continued to focus its efforts on ensuring that both the disarmament, demobilization and reintegration process in Southern Kordofan State and the electoral process were gender-responsive and women's full and active participation was ensured. UNMIS

has engaged with the United Nations Development Fund for Women to work out modalities of sharing resources to support the participation of women in the electoral process. The participation of women as voters and candidates, as well as possible collaboration on capacity-building efforts, was also discussed with the National Elections Commission. Meetings with relevant Government ministries were held to provide technical support on policy and operational matters.

HIV/AIDS

78. UNMIS key activities during the reporting period included the graduation of an additional 149 change agents for HIV/AIDS in four sectors; integration of HIV/AIDS in the disarmament, demobilization and reintegration programme; and HIV/AIDS sensitization of over 2,800 peacekeepers.

79. Through collaboration with the 11 HIV/AIDS regional committees, awareness was raised among 1,300 members of the local police, schools, women and local communities. A total of 245 ex-combatants received HIV/AIDS awareness training, including on the significance of HIV testing. Gender-based violence remained a focus of HIV/AIDS campaigns.

Staff security

80. The twice yearly country security risk assessment was approved by the Designated Official on 17 May and is being implemented to mitigate the identified high risks for the staff related to terror attacks (including improvised explosive devices) fire and road traffic accidents. The Resident Coordinator and Humanitarian Coordinator and the Department of Safety and Security, through a crisis working group, are coordinating influenza pandemic preparedness measures, with oversight from the senior management team and the United Nations country team.

81. The Department of Safety and Security has only a very limited presence of international security officers below sector headquarters level in Southern Sudan and the Three Areas. In this regard, UNMIS remains in need of resources enabling it to expand the presence of international security officers in Southern Sudan. Adequate staff security will become a serious concern throughout Southern Sudan as civilian deployment conforms to the State governance structure in areas without full-time Department of Safety and Security presence.

Financial aspects

82. The General Assembly, by its resolution 63/273 B, appropriated for the maintenance of UNMIS for the period from 1 July 2009 to 30 June 2010 an amount of $958.3 million. Should the Security Council decide to extend the mandate of UNMIS beyond 30 April 2010, the cost of maintaining the Mission until 30 June 2010 would be limited to the amounts approved by the General Assembly.

83. As at 30 April 2009, unpaid assessed contributions to the Special Account for UNMIS amounted to $65.4 million. The total outstanding assessed contributions for all peacekeeping operations as at that date amounted to $1,246.6 million.

84. Reimbursement to troop-contributing Governments for troop and contingent-owned equipment costs has been made for the periods up to 31 December 2008 and 30 September 2008 respectively.

VII. Observations

85. The future of the Comprehensive Peace Agreement lies in the hands of its signatories and the institutions established in the Agreement. The quality of implementation will largely depend on the quality of the relationship between the two partners, who are responsible for its success or failure. Their action or inaction in the coming months will determine whether the outstanding benchmarks of the Comprehensive Peace Agreement can be implemented and the spirit of Naivasha — to make unity attractive — can be upheld.

86. Achieving progress in the little time left will require a strong partnership between the parties and their renewed commitment to overcoming deadlocks and finding lasting and peaceful solutions to contentious issues. It will furthermore require renewed commitment by the international community to support the implementation of the Comprehensive Peace Agreement. The Forum for Supporters of the Agreement hosted by the United States of America in Washington, D.C., on 23 June is a welcome initiative that could help refocus international attention on urgent outstanding provisions of the Agreement and international support required for its full implementation. The centrality of the Agreement to achieve peace and stability in the Sudan was acknowledged by all participants. I once again underline that the United Nations will continue to support the parties and stands ready to help in accordance with its mandate. But the parties themselves must also take steps to engage in meaningful dialogue and reach agreement on outstanding issues.

87. As the Permanent Court of Arbitration on Abyei prepares to render its decision, the situation in the Abyei area requires our immediate attention. UNMIS is currently undertaking contingency planning measures. However, it is the primary responsibility of the parties to ensure that peace and stability are maintained. The past has shown that disputes over the status of Abyei and conflicts between local communities have the potential to create instability that could spiral into a major escalation and threaten the Comprehensive Peace Agreement itself. I therefore welcome the public commitments made by the parties to accept and peacefully implement the decision of the Court. This commitment would now have to be translated into requisite orders to the security apparatus on the ground and to the local leadership and communities who may feel disenfranchised by the arbitration decision. Crucially, the Abyei area needs a fully funded and functional civilian administration irrespective of the result of the arbitration and I urge the parties to take all steps needed to achieve this. I assure the parties that the United Nations stands ready to assist them and the local communities in these efforts. I also urge the international community to engage with the parties in conflict mitigation measures during the critical time of the arbitration's decision and thereafter.

88. I am concerned that preparations for the elections remain seriously behind schedule and I urge the parties to take the necessary steps to resolve outstanding issues so the process can move forward, including resolving differences with regard to the usage of the census results. The conduct of peaceful, transparent and credible elections is fundamental for the process of democratic transformation throughout the Sudan and it is only possible if all Sudanese stakeholders, including those in Darfur, work together to enhance a conducive political environment.

89. Escalating inter-tribal violence in Southern Sudan is a significant threat to the stability of the Sudan as a whole. Key milestones in the Comprehensive Peace

Agreement, such as elections and the referendums, could easily be affected by growing insecurity. Civilian disarmament, currently under debate in the Government of Southern Sudan, is a sensitive and complex issue and must be planned and implemented equitably across Southern Sudan. UNMIS is working with the Government of Southern Sudan to stress a comprehensive approach to community security that will build the confidence of Southerners in their Government. However, the limited capacity of the institutions of the Government of Southern Sudan to manage local conflicts and facilitate constructive peace and reconciliation processes remains a serious concern. Despite repeated incidents resulting in significant loss of life and continued insecurity, no visible steps have been taken to strengthen the capacity of local authorities and the security apparatus to deter inter-communal conflicts. In this regard, I call upon the Government of Southern Sudan to take all possible measures to avoid further loss of life while disarmament operations are conducted in Southern Sudan.

90. The fact that there has been no change in composition and location of the Malakal Joint Integrated Unit, as agreed at the senior political level following the clashes, is reason for concern and continues to be a risk factor in the area. Components of the Unit that were involved in the clashes on 24 February need to be rotated out of the area and the Unit itself needs to be relocated out of Malakal town. I urge the Joint Defence Board and other authorities concerned to implement agreed measures to ensure that the Joint Integrated Units do not remain a source of instability. As part of this exercise, the parties should review the quality, composition and performance of the Units.

91. Delays in the preparations for the referendums in 2011 are worrisome, with the Sudan Referendum Act now two years behind schedule. There is an urgent need for a functioning institutional and legal framework for the referendums to ensure sufficient time for a peaceful implementation of their results. Moreover, the debate on unity and secession continues to remain a zero-sum game. I urge the parties to change this dynamic and initiate dialogue in order to reach agreements for the post-2011 period, irrespective of the results of the referendums.

92. Demarcation of the 1-1-56 north-south border is another key provision of the Comprehensive Peace Agreement in need of immediate attention. Uncertainty on the issue has an impact on preparations for the referendums as the border will geographically define Southern Sudan and the southern bounds of the Abyei Area. I encourage the parties to finalize the delineation process and commence with the demarcation thereafter, particularly in those border areas that are uncontested. Building on our prior assistance provided in the technical delineation process, the United Nations stands ready to support the parties with technical and logistical assistance in this regard.

93. I am encouraged by the recent positive developments in the joint efforts of the Government and the United Nations and its partners to narrow the most critical humanitarian gaps in the aftermath of the 4 March expulsions of international non-governmental organizations. These efforts have resulted in a constructive working environment between the Government and the humanitarian community. However, current levels of assistance in some areas remain below the necessary standards and the humanitarian community remains watchful of the onset of the rainy season. I further urge the Government of National Unity to do its utmost to provide a safe and secure environment for these operations to continue and to

sustain this collaborative environment. I recall that humanitarian assistance is only a temporary measure and sustaining it has its limits. The parties must reach durable political solutions so a transition towards recovery and development can occur and a meaningful peace dividend delivered to the people.

94. I am encouraged by the momentum being built in the demobilization of ex-combatants and I hope that it may serve to inspire progress in other areas of implementation of the Comprehensive Peace Agreement. However, I am concerned that not enough resources are being made available for the longer term reintegration of these ex-combatants. I call upon the international community to provide timely and sustained funding for this vital component of the disarmament, demobilization and reintegration operation.

95. Finally, I wish to express my gratitude to my Special Representative, Ashraf Jehangir Qazi, all United Nations staff working in the Sudan and Member States, especially troop- and police-contributing countries and donors, for their determined efforts to support UNMIS and the implementation of the Comprehensive Peace Agreement.

Annex

Draft benchmarks for the completion of the mandate of the United Nations Mission in the Sudan as of July 2009

The United Nations Mission in the Sudan (UNMIS) is mandated by the Security Council to assist and support, through its good offices, the parties to the Comprehensive Peace Agreement in the peaceful implementation of the Agreement. Implementation of its mandate is thus linked to the commitment of the parties to the Comprehensive Peace Agreement process and their progress achieved in implementing its provisions. Key benchmarks towards achieving a peaceful referendum as well as post-referendum stability are identified below.

Referendums

- Enactment of the referendum acts by the National Assembly
- Establishment of Southern Sudan and Abyei referendum commissions
- Voter registration in accordance with the referendum act for Southern Sudan
- Required post-referendum arrangements in place
- Technical/polling preparations/security in place
- Referendums in Southern Sudan and Abyei conducted in accordance with provisions of the Comprehensive Peace Agreement

Border demarcation

- Completion of base map
- Report by the Border Commission submitted to Presidency (September 2009)
- Physical demarcation on the ground completed (December 2009)

Abyei

- Permanent Court of Arbitration decision made (July 2009)
- Peaceful implementation of Court decision
- Conflict mitigation measures in place
- Adequate budget for the Abyei Administration provided
- Functional Abyei Administration delivering services to people
- Secure environment (ongoing)

Elections

- National Elections Commission operational nationwide (ongoing)
- Constituency delimitation and voter registration according to schedule
- Completion of an electoral plan and budget by the parties to enable donors to contribute assistance to the exercise

- Completion of legislative framework to ensure enabling environment for elections
- Technical/polling preparations/security in place
- Conduct of peaceful, transparent and credible elections

Southern Kordofan and Blue Nile States

- Completion of integration of former closed areas
- Conduct of popular consultations in accordance with provisions of the Comprehensive Peace Agreement
- Conflict mitigation measures in place

Security

- Parties to reach understanding on redeployment figures
- Presidency and Joint Defence Board approve and implement measures to address shortcomings of Joint Integrated Units in order to deploy and operationalize them as stipulated in the Comprehensive Peace Agreement
    - Assessment of quality of Joint Integrated Units conducted
    - Donor support generated
- Progress in police reform and capacity-building
- Protection of civilians
    - Functional governmental institutions and policies to ensure the protection of civilians in place
    - Implementation of UNMIS protection of civilians strategy and conflict mitigation strategy

Disarmament, demobilization and reintegration and downsizing

- Disarmament, demobilization and reintegration of first ("non-essentials") and second caseload ("proportional downsizing") completed
    - Strengthened dialogue between donors, the Government of National Unity/Government of Southern Sudan and the United Nations to address donor concerns
    - Sufficient donor and Government support for reintegration
- Adoption by the parties of a policy on proportional downsizing of armed forces

Humanitarian, recovery and development

- Access to all populations in need of relief, recovery and development assistance
- Development and implementation of state-level action plans for the return and reintegration of displaced persons and refugees

- Development and implementation of an integrated mission/United Nations country team strategy for stabilization in high-risk states

Governance, rule of law and human rights

- Establishment and functioning of all outstanding Commissions mandated by the Comprehensive Peace Agreement, particularly the Referendum Commission
- Adoption by the National Assembly of all outstanding legislation required under the Comprehensive Peace Agreement and in line with the Interim National Constitution
- Adoption by the Southern Sudan Legislative Assembly of all outstanding legislation required under the Comprehensive Peace Agreement and in line with the Southern Sudan Constitution
- National civil service posts filled and integrated civil service operational in the Three Areas both in accordance with the Comprehensive Peace Agreement.